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भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
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सं० 5] नई दिल्ली, शनिवार, जनवरी 31, 1970/माघ 11, 1891
No. 5] NEW DELHI, SATURDAY, JANUARY 31, 1970/MAGHA 11, 1891

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह भलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस NOTICE

नीचे लिखे भारत के प्रसाधारण राजपत्र 2 जनवरी, 1970 तक प्रकाशित किय गये :—

The undermentioned Gazettes of India Extraordinary were published up to the 2nd January 1970.—

Issue No.	No. and Date	Issued by	Subject
1	S. O. 48, 1st January, 1970.	Ministry of Finance.	Exempting goods mentioned therein from the duty of customs leviable thereon.
	एस०ओ० 48, दिनांक 1 जनवरी, 1970	वित्त मंत्रालय	वर्णित माल को, उस पर से उद्- ग्रहणीय सीमा-शुल्क से छूट देना।
2	S. O. 49, dated 1st January, 1970.	Ministry of Foreign Trade	Quality Control and Preshipment Inspection of new Jute Woolpack.
	S. O. 50, dated 1st January, 1970.	Do.]	Recognition of the Indian Standards Institution Certification Marks with respect to the New Jute Woolpack.
	S. O. 51, dated 1st January, 1970.	Do.	The Export of New Jute Woolpack (Inspection) Rules, 1969.
3	S. O. 52, dated 1st January, 1970.	Do.	Appointment of Shri V. Shankar, as Chairman and nomination of certain officers as Members of the Export Inspection Council with effect from 1st January, 1970.
4	S. O. 53, dated 2nd January, 1970.	Do.	The Exports (Control) First Amendment Order, 1970.
5	S. O. 54, dated 2nd January, 1970.	Ministry of Labour, Employment and Rehabilitation.	The Coal Mines Provident Fund (Fourth Amendment) Scheme, 1969.

Issue No.	No. and Date	Issued by	Subject
	एस०ओ० 54, दिनांक 2 जनवरी, 1970 S. O. 55, dated 2nd January, 1970.	श्रम, रोजगार और पुनर्वास मंत्रालय Do.	कोयला खान भविष्य निधि (चतुर्थ संशोधन) स्कीम, 1969। The Andhra Pradesh Coal Mines Provident Fund (Fourth Amend- ment) Scheme, 1969.
	एस०ओ० 55, दिनांक 2 जनवरी, 1970। S. O. 56, dated 2nd January, 1969.	तदैव Do.	ग्रांध्र प्रदेश कोयला खान भविष्य निधि (चतुर्थ संशोधन) स्कीम, 1969। The Rajasthan Coal Mines Pro- vident Fund (Fourth Amend- ment) Scheme, 1969.
	सा०का० 56, दिनांक 2 जनवरी, 1970। S. O. 57, dated 2nd January, 1970.	तदैव Do.	राजस्थान कोयला खान भविष्य निधि (चतुर्थ संशोधन) स्कीम, 1969। The Neyveli Coal Mines Provi- dent Fund (Fifth Amendment) Scheme, 1969.
	सा०का० 57, दिनांक 2 जनवरी, 1970।	तदैव	नएवेली कोयला खान भविष्य निधि (पांचवां संशोधन) स्कीम, 1969।

ऊपर लिखे असाधारण राजपत्रों की प्रतियां प्रकाशन प्रबन्धक, मिनिस्टर ऑफ़, डिप्टी :
मांगपत्र भेजने पर भेज दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख
से 10 दिन के भीतर पहुंच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on
indent to the Manager of Publications, Civil Lines, Delhi. Indents should be
submitted so as to reach the Manager within ten days of the date of issue of
these Gazettes.

भा —खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर)
केन्द्रीय प्राधिकरणों द्वारा जारी किये गये विधिक आदेश और अधिवृत्तनाएँ।

Statutory orders and notifications issued by the Ministries of the Govern-
ment of India (other than the Ministry of Defence) and by Central
Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION OF INDIA

New Delhi, the 15th January 1970

S.O. 324.—In exercise of the powers conferred by sub-section (1) of section 22
of the Representation of the People Act, 1951, (43 of 1951), the Election Commis-
sion hereby directs that the following further amendment shall be made in its
notification No. 434/GJ/68, dated the 27th February, 1968, namely:—

In column 3 of the Table appended to the said notification, against item No. 22-
Surat, the entry "3. Prant Officer, Chorasi Prant, Surat", shall be added.

[No. 434/GJ/70.]

By order,

K. S. RAJAGOPALAN, Secy.

भारत निर्वाचन आयोग

नई दिल्ली, 15 जनवरी, 1970

एस० ओ० 324:—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 22 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, भारत निर्वाचन आयोग एतद्वारा निदेश देता है कि उसकी अधिसूचना संख्या 434/गुज/68, तारीख 27 फरवरी, 1968 में निम्नलिखित संशोधन और किए जायेंगे :—

उक्त अधिसूचना से संलग्न सारणी के स्तम्भ 3 में मद संख्या 22—सूक्त के सम्मुख 3—प्रान्त आफिसर, चौरसी प्रान्त, सूक्त” प्रविष्टि जोड़ी जाएगी।

[संख्या 434/गुज/70]

आदेश से,

के० एस० राजगोपालन, सचिव।

ORDER

New Delhi, the 23rd December 1969

S.O. 325.—Whereas the Election Commission is satisfied that Shri Tarini Mohan Singha Roy a contesting candidate for the mid-term election held in February, 1969 to the West Bengal Legislative Assembly from Falakata Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Tarini Mohan Singha Roy to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/12/69(1).]

By order,

A. N. SEN, Secy.

आदेश

नई दिल्ली, 23 दिसम्बर, 1969

एस० ओ० 325:—यतः निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1969 में हुए पश्चिमी बंगला विधान सभा के लिये मध्यवर्धि निर्वाचन के लिये फलाकता निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री तरिणि मोहन सिंह रोय, लोक प्रतिनिधित्व अधिनियम, 1951 तथा सव्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहें;

और, यतः, उक्त उम्मीदवार उसे सम्यक सूचना दिये जाने पर भी लेखा दाखिल करने में असफल रहा है और उसने अपनी इस असफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री तरिणि मोहन सिंह राय को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिये इस प्रादेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है ।

[सं० प०ब०-वि०स० 69/12/(1).]

प्रादेश से,

ए० एन० सैन, सचिव ।

MINISTRY OF HOME AFFAIRS

New Delhi, the 3rd January 1970

S.O. 326.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Indian Frontier Administrative Service Rules, 1956, namely:—

1. These rules may be called the Indian Frontier Administrative Service (Amendment) Rules, 1970.

2. In the Indian Frontier Administrative Service Rules, 1956, in rule 10, under the sub-heading "II Maintenance", for the words "Additional Secretary (Union territories) to the Government of India in the Ministry of Home Affairs" against item I relating to 'Chairman', the words "Special Secretary (Union territories) to the Government of India in the Ministry of Home Affairs" shall be substituted.

[No. F. 15/49/69-NEFA.]

H. S. DUBEY, Dy. Secy.

गृह मंत्रालय

नई दिल्ली, 3 जनवरी, 1970

एस० ओ० 326 :—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय सीमांत प्रशासन सेवा नियमावली 1956 में और आगे संशोधन करते हुए एतद्द्वारा निम्नलिखित नियम बनाते हैं, अर्थात् :—

- (1) ये नियम भारतीय सीमान्त प्रशासन सेवा (संशोधन) नियम, 1970, कहे जा सकेंगे ।
- (2) भारतीय सीमांत प्रशासन सेवा नियमावली, 1956 में, नियम 10 में, उपशीर्ष "II अनुकरण", के अन्तर्गत "अध्यक्ष" से संबंधित मद संख्या 1 म "अपर सचिव (संघ-शासित क्षेत्र), भारत सरकार, गृह मंत्रालय" शब्दों के लिए "विशेष सचिव (संघ-शासित क्षेत्र), भारत सरकार, गृह मंत्रालय" शब्द प्रतिस्थापित किए जायेंगे ।

[सं० 15/49/69-नेफा]

एच० एस० दुबे, उप सचिव ।

(Office of the Competent Authority)

NOTICE

New Delhi, the 16th January 1970

S.O. 327.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said

Authority, under rule 4 of the said Rules, by Shri Krishan Sarup Arya (Berl) Advocate, Jullundur for appointment as a notary to practise in local area of Jullundur.

2. Any objection to the appointment of the said person as a notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 22/34/69-Judl.III.]

K. THYAGARAJAN, Under Secy.

(सक्षम प्राधिकारी का कार्यालय)

नोटिस

नई दिल्ली, 16 जनवरी, 1970

एस० नो० 327:—इस के द्वारा, लेख्य प्रमाणक नियम (नोटिस नोटेरीज रूल्स), 1956 के नियम 6 के अनुसार, सक्षम प्राधिकारी द्वारा सूचना दी जाती है कि उक्त प्राधिकारी की कृष्णा स्वरूप आर्य (बेरी) अधिवक्ता, जलन्धर ने उक्त नियमों के नियम 4 के अधीन, जलन्धर के स्थानीय क्षेत्र में लेखाप्रमाणक (नोटेरी) का काम करने की नियुक्ति के लिये आवेदन-पत्र भेजा है।

उक्त व्यक्ति की लेख्य प्रमाणक के रूप में नियुक्ति के बारे में यदि कोई आपत्तियां हों तो इस नोटिस के प्रकाशित होने के चौदह दिन के अन्दर नीचे हस्ताक्षर करने वाले को लिखकर भेज दी जावे।

[सं० 22/34/69 न्यायिक-3]

के० त्यागराजन, सक्षम प्राधिकारी।

शुद्धि पत्र

नई दिल्ली- 16 दिसम्बर, 1969

का० आ० 328:—भारत के राजपत्र, असाधारण, तारीख 12 सितम्बर, 1969, भाग II, खण्ड 3, उपखण्ड (II) के पृष्ठ संख्या 1259 पर प्रकाशित भारत सरकार के गृह मंत्रालय की अधिसूचना सं० का० आ० 3749 (फा० सं० 17/56/68-एस० आर०) तारीख 12 सितम्बर, 1969 में निम्नलिखित अशुद्धियां सुधार ली जाय :-

1. चौथी पंक्ति में "पंजाब पुनर्गठन अधिनियम, 1966 (1966 के 31) खण्ड 72 द्वारा" शब्दों के स्थान पर "पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31) की धारा 72 द्वारा" शब्द पढ़िए;
2. पांचवी पंक्ति में "शक्तियों के प्रयोग में तथा इस संबंध में इसे सभी अन्य शक्तियों से समर्थ बनाने हुए" शब्दों के स्थान पर "शक्तियों का और उसे इसमें निमित्त समर्थ बनाने वाली सभी अन्य शक्तियों का प्रयोग करते हुए" शब्द पढ़िए ;
3. पांचवी पंक्ति 1 "एतद्वारा" शब्द लुप्त कर दीजिये ;
4. छठी पंक्ति में, "सरकार निदेश देती है" शब्दों के स्थान पर "सरकार एतद्वारा यह निदेश देती है" तथा "दृष्ट 947 (1947 के पूर्वी पंजाब अधिनियम 7)" शब्दों के स्थान पर "1947 (1947 का पूर्वी पंजाब अधिनियम 7)" पढ़िए ;

5. आठवीं पंक्ति में “कार्य करना बंद कर देगा” शब्दों के स्थान पर “कृत्य करना और संचालित रहना बंद कर देगा” शब्द पढ़िए।

[सं० 17/56/68-एस० आर०]

के० आर० प्रभु, संयुक्त सचिव।

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, the 16th January 1970

S.O. 329.—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby directs that in its notification No. 52 (F. No. 55/1/62-IT), dated 19th August, 1963 published as S.O. 2368 on pages 2740—42 of Part II Section 3(ii) of the Gazette of India dated the 24th August, 1963 :—

Against Sr. No. 17, West Bengal II, under column 3 of the Schedule appended thereto, the following shall be added :

“15. Jute Circle, Calcutta.”

[No. 9 (F. No. 55/423/69-IT(AI).]

S.O. 330.—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby directs that in its notification No. 52 (F. No. 55/1/62-IT) dated 19th August, 1963 published as S.O. 2368 on pages 2740—42 of Part II Section 3(ii) of the Gazette of India dated the 24th August, 1963 :—

I. Against Sr. No. 17, West Bengal II, under column 3 of the Schedule appended thereto, the following shall be deleted :

“15. Jute Circle, Calcutta.”

II. Against Sr. No. 16, West Bengal I, under column 3 of the Schedule appended thereto, the following shall be added :

“20. Jute Circle, Calcutta.”

[No. 10 (F. No. 55/423/69-IT(AI).]

L. N. GUPTA, Under Secy.

INCOME-TAX

New Delhi, the 23rd January 1970

S.O. 331.—In exercise of the powers conferred by the proviso to sub-section (1) of section 211 of the Income tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby authorises all assessee falling under clause (i) of that sub-section and who carry on business of growing and manufacturing tea in India, to pay the last instalment of the advance tax on the 15th day of March, during a financial year, instead of on the 15th day of December.

[No. 12(F. No. 5/14/69-ITCC).]

R. D. SAXENA, Secy.

CENTRAL EXCISE COLLECTORATE, ALLAHABAD

Allahabad, the 21st October 1969

S.O. 332.—In exercise of the powers conferred on me under proviso to Rule 15 & 16 of Central Excise Rules, 1944, I hereby notify in col. 2 of the appended schedule places and localities in this Collectorate, where growers/curers will be exempt from declaring area grown with tobacco quantity of tobacco produced, to the extent shown in columns 3 and 4 thereof respectively. The area or quantity

thus exempted from declaration will be independent of each other. The above exemptions under Rules 15 and 16 of Central Excise Rules, 1944 will not apply to flue cured tobacco and tobacco other than flue cured used in the manufacture of cigarettes, smoking mixtures for pipes and cigarettes and biris.

The above notification is issued in supersession of earlier notification No. 4/CE/1968 dated 20th September, 1968.

Schedule showing Revenue Jurisdiction of areas in Allahabad Collectorate exempted under rules 15 & 16 of Central Excise Rules, 1944

Sl. No.	Name of Districts or portion thereof	Exempted areas in Ares	Exempted Quantity in Kgs.	Remarks
1	2	3	4	5
[1	Entire Varanasi Distt. except Villages Sherpur and Khamaria of Gyanpur Tehsil	10	60	
2	Entire Mirzapur district	10	60	
3	Entire Ghazipur district	5	60	
4	Entire Jaunpur district except Municipal limits of Jaunpur and Machhli-Shahar towns	4	60	
[5	(a) Entire district Allahabad except Sirathu and Manjhanpur tehsils and areas within corporation limits of Allahabad City	4	60	
	(b) Sirathu and Manjhanpur Tehsils of Allahabad district forming present Kara Range	2	60	
6	(a) Patti and Partabgarh tehsils of Pratabgarh district	5	60	
	(b) Kunda Tehsil of Partabgarh distt.	2	60	
7	Entire Banda district	5	60	
8	Entire Fatehpur district	4	60	
9	(a) Azamgarh Sadar Tehsil except areas within the Municipallimits of Azamgarh city and Parganas Atraulia and Koria of Phoolpur tehsil and whole of Lalganj tehsil excluding Pargana Deogaon of Azamgarh district.	4	60	
	(b) Entire Sagari tehsil excluding villages:—	4	60	
	(i) Bansgaon, Jola apur, Gopalpur, Jamilpurs, Azamatgarh & Jeaupur of Sagari Pargana and			
	(ii) Village Maharajganj of Gopalpur Pargana.			
	(c) Entire Garha Pargana of Ballia distt.	4	60	
	(d) Entire Doaba Pargana of Ballia Distt. except village Baira.	4	60	
	(e) Entire Ballia Pargana of Ballia Distt. except village Chhata	4	60	
10	Entire Gorakhpur district	4	60	
11	Entire Deoria district	4	60	
12	Entire Bareilly distt. except:—	4	60	
	(a) Village Agras, Memore, Murya Chet Ram and Mohammadganj in Bareilly Teh.			
	(b) Bareilly Municipal area			
	(c) Villages Gurwa and Sirauli of Aonla tehsil.			
	(d) Villages Goona and Hattoo, Gurwara and Jam of Baheri tehsil			

1	2	3	4	5
13	Entire Budaun district except:— (a) Municipallimit of Budaun city (b) Villages Dalal Nagar & Khukri in Dataganj tehsil. (c) Villages Sahaswan and Dahagawan of Sahasawan tehsil. (d) Villages Ughaithi and Amiapur in Bilal Pargana. (e) Villages Pataria, Gunnaur, Gawan and Rajpura in Gunnaur Tehsil.	4	60	
14	Entire Pilibhit district.	5	60	
14A	Entire Sahjahanpur tehsil except:— (a) Shahjahanpur Municipal limits and Villages Badshah Nagar and Nagarpal. (b) Entire Tilhar Tehsil except Tilhar town. (c) Entire Tehsils of Jalalabad and Powayan. (d) Entire Hardoi district except Pargana Gopamau and pargana Pihani in Shahabad Tehsil.	5	60	
15	(a) Entire Tehsil Bilarl, Amroha, Hasanpur and village Pakwara of Moradabad tehsil of Moradabad district (b) Entire Bijnor district (c) Entire Rampur District except Saur Teh. of Rampur Distt.	4 4 4	60 60 60	
	Shahabad town in Shahabad tehsil and Bilgram and Sandi towns in Bilgram teh.			
16	Entire Almora district	12	60	
17	Entire Nainital district	12	60	
18	Entire Pauri Garhwal district	12	60	
19	Entire Tehri Garhwal district	12	60	
20	Entire Saur Tehsil excluding V. Tanda, Saur Bhat Baqqal and Mustafabad	12	60	
21	Entire Thakurdwara and Moradabad Tehsils except village Pakwara of Moradabad tehsil of Moradabad district	12	60	
22	Entire Sultanpur district	4	60	
23	Entire Tehsils Mohanlalganj and Lucknow except (i) Lucknow Municipallimits, (ii) Amethi (iii) Salempur & Nagrani	5	60	
24	Entire Tehsil Safipur of Unnao district except villages Bangarmau, Moradabad, Unwan, Udshala, Bhansar, Nausarah, Fehpur, Nagapur, Hasapur, Raghuapur, Fatehpur, Hamza and Khals	5	60	
25	(a) Entire Unnao tehsil except villages Padari, Khurd, Padooda, Atwa and Raithuna. (b) Entire Hasanganj tehsil except villages Mohaw, Asiwan, Rosollabad Hasanpur and Moraiyan (c) Entire Purwa tehsil except villages Panhan, Meem-rezpur, Pakra Buzurg, Banpurwa, Sarwan, Samokha Purwa, Sahrupur and Ratan	5 5 5	60 60 60	
26	Entire Malihabad tehsil except villages Mohana, Charoan, Chandanpur, Nagar, Malihabad, Kumrawan, Indara, Narosa & Usarana	5	60	

1	2	3	4	5
27	(a) Entire Gonda Distt. except Nawabganj tehsil	5	60	
	(b) Nawabganj tehsil	4	60	
28	Entire Bastidistrict	4	60	
29	(a) Bahraich and Nanpara tehsils of Bahriach district	5	60	
	(b) Kaiserganjtehsil of Bahraich district	4	60	
30	(a) Entire tehsil Kheri of Lakhimpur district except the villages (i) Pangi, Kheri Kunwarpur, Motipur, Kaharkhan Pa Purwa of Kargana Kheri; (ii) Asokhapur, Bandha Dihi, Jonapurwa, Katkusan and Pandari of Pargana Srinagar and Pallia of Pargana Pallia	4	60	
31	(a) Entire tehsil Mohamdi of Lakhimpur district except the villages (i) Mohamdi of Pargana Mohamdi (ii) Barwar of Pargana Pasgawan; (iii) Kurali of Pargana Haridrabad; (iv) Mohammadpur of Pargana Mogadpur; and (v) Babona of Pargana Kesta	4	60	
	(b) Entire Tehsil Nighasan of Lakhimpur district except the villages (i) Dhaurara Jokhpurwa, Majharia, Abhaipur, Lunianpurwa of Pargana Dhaurara; (ii) Bhojia, Idlipur, Isanagar, Bershingpur, Gurwa, Kurtay, Rudarpur, Janakpurwa, Hulaspurwa and Ganeshpur of Pargana Isanagar; (iii) Singhal, Nighasan, Guraia, Jamahaura, Pandia and Barotha of Pargana Bighasa; (iv) Paliakalan of Pargana Pallia	4	60	
32	(a) Entire Misrikh teh of Sitapur district except the villages:—	4	60	
	(i) Tiliani, Aunt, Vazeernagar, Seothan, Bhikanpur, Imlia, Saidpur and Meerpur of Pargana Misrikh.			
	(ii) Machhretta of Pargana Machhretta.			
	(iii) Gangapur of Pargana Gondlamau.			
	(iv) Palia, Tikra, Chhaba, Begampur, and Kussaila of Pargana Maholi.			
	(v) Kundera of Pargana Kurauna.			
	(vi) Bansi Biswan & Faridpur of Pargana Chaundhara.			
	(vii) Aurangabad of Pargana Aurangabad.			
	(b) Entire tehsil Sitapur of Sitapur district except the Villages:—	4	60	
	(i) Kairabad of Pargana Kairabad			
	(ii) Sitapur and Bilheru of Pargana Sitapur.			
	(iii) Hargaon, Keotikalan and Turtipur of Pargana Hargaon.			
	(c) Entire Sidhaulitesh. of Sitapur distt. except Pargana Mohammedabad and except the villages:—	4	60	
	(i) Dharampur, Babapur, Dioryang, Runda, Khamaria, Padaria, Ramdiari, Hepara, Gangolia, Itaya, and Karuapur of Pargana Sadarpur.	4	60	
	(ii) Sahela, Hardiapurwa, Rahevapur, Tewaripur Naherwal and Budheypurwa of Pargana South Kundri			
	(d) Tambaur Pargana lying in the east of Chauka river in Biswan tehsil except the villages Patrasa, Deoriaj, Zalampur, Seota, Akbarpur, Dhakia, Roha, Datauni	5	60	
33	Entire distt. Faizabad exopt Ajodhya Municipal limits of Tanda Villages Kahajayan, Surahurpur, Jalalpur, Shahzadpur (Akbarpur)	5	60	

(1)	(2)	(3)	(4)	(5)
34	Entire distt. Rai Bareilly except villages, Jais, Nasirabad, Salna, Chak Ahroa, Tantapur, Bhilampur, Chandai, Mira, Swaya, Pauney, Maukhanduli, Bhai and Kila Rai-Bareilly.	5	60	
35	Entire Distt. Barabanki except:— (a) Villages Paisar, Sidhaur, Amdaha, Partapganj, Maidabad, Mitai, Bharigaon Pindha, Abrahimpur, Masuli and Shahpur (b) Trilokpur, Kintoor, Tanda, Mohammdupur, Bhagauli, Fatehpur, Madanpur, Chandoori, Baddosari, Shahpur, Lalli, Shari and Kathari. (c) Bisain, Bahrauli, Tikaitgang, Kurai, Mahmud, Bichunpur, Jahagirabad, Bandijnagar and Nidura.	5	60	
36	Entire district Chamoli and Pithauragarh.	12	60	

[No. 6/CE/69.]

H. N. RAINA, Dy. Collector.
for Collector,*Allahabad, the 3rd November 1969*

S.O. 333.—In exercise of the powers conferred on me by rule 5 of the Central Excise Rules, 1944, I authorise the Assistant Collectors of Central Excise in Allahabad Central Excise Collectorate to exercise within their respective jurisdiction the powers of Collector under proviso (1) to rule 173-G(3) of the aforesaid Rules, to fix a period shorter than one month for filing R.T. 12 return, if they so request in the case of assesses who export their goods and need verification of payment of duty from the aforesaid return on the respective removal documents viz. A.R. 4A and Gate Passes.

[No. 7-CE/1969.]

V. PARTHASARATHY, Collector.

MINISTRY OF INDUSTRIAL DEVELOPMENT, INTERNAL TRADE AND COMPANY AFFAIRS

(Department of Industrial Development)

ORDERS

New Delhi, the 19th January 1970

S.O. 334 IDRA/6/2/70.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rules 5 and 8 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints, till the 15th December, 1971, Sarvashree Kisan Tulpule and D.G. Pathak to be members of the Development Council for Man-made Textiles established by the Order of the Government of India in the Ministry of Industrial Development, Internal Trade and Company Affairs' Order No. S.O. IDRA/6/5/69 dated the 16th December, 1969, for the scheduled industries engaged in the manufacture or production of Man-made Textiles and directs that the following amendments shall be made in the said Order, namely:—

In the said Order, after entry No. 28 relating to Shri K. S. Bhujang, the following entries shall be inserted, namely:—

"29. Shri Kisan Tulpule, Mili Mazdoor Sabha, 39, Patel Terrace, Parel, Bombay-12.

30. Shri D. G. Pathak, Mili Mazdoor Sabha, 39, Patel Terrace, Parel, Bombay-12."

[No. 13(5)DC/69-LC.]

S.O. 335/IDRA/6/1/70.—In exercise of the powers conferred by Section 6 of the Industries (Development & Regulation) Act, 1951 (85 of 1951), read with rule 5(1) of the Development Council (Procedural) Rules, 1952, the Central Government hereby appoints till the 16th August, 1970, Shri B. V. Raman, Managing Director, Hindustan Antibiotics Ltd., Pimpri, Poona, in place of Shri C. A. Subramanyam, to be a member of the Development Council for the scheduled industries engaged in the manufacture or production of drugs and pharmaceuticals and directs that the following amendment shall be made in the Order of the Government of India in the Ministry of Industrial Development and Company Affairs No. S.O. IDRA/6/6/68, dated the 17th August, 1968:

In the said Order, for entry No. 17 relating to Shri C. A. Subramanyam, the following entry shall be substituted:—

"17. Shri B. V. Raman, Managing Director, Hindustan Antibiotics Ltd., Pimpri, Poona."

[No. 13(1)DC/68-LC.]

R. C. SETHI, Under Secy.

MINISTRY OF FOREIGN TRADE

(Office of the Jt. Chief Controller of Imports and Exports)

ORDER

Calcutta, the 16th January 1970

S.O. 336.—A licence No. P/E/0168492/C/XX/31/C-2930, dated 30-6-69 of the value of Rs. 32,400/- for import of Crude Drugs was issued to M/s. Malabi Debi. 23, Ramgarh Colony, Ariadaha, Calcutta-57.

2. Thereafter, a show cause notice No. 32/69/E&L dated 18-12-69 was issued asking them to show cause within 15 days as to why the said licence in their favour should not be cancelled on the ground that the licence in question was issued inadvertently in terms of Clause 9, sub-clause (a).

3. In response to the aforesaid show cause notice, M/s. Malabi Debi, 23, Ramgarh Colony, Ariadaha, Calcutta-57 had, by their letter dated 1-1-70 furnished a detailed explanation and had also asked for personal hearing with the undersigned which was allowed to their representative on 13-1-70. In their said reply and at the time of personal hearing, the firm contended that they obtained the licence on the basis of the quota certificate which was issued on the basis of the past import documents.

4. The undersigned has carefully examined the said representation and has come to the conclusion that the licence in question was issued inadvertently.

5. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under clause 9 sub-clause (a) of the Imports (Control) Order, 1955 hereby cancel the licence No. P/E/0168492/C/XX/31/C-29-30 dated 30-6-69 for Rs. 32,400/- issued in favour of M/s. Malabi Debi, 23, Ramgarh Colony, Ariadaha, Calcutta-57.

[No. 32/69/E&L.7]

M. S. FURI,

Dy. Chief Controller of Imports & Exports.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION

(Department of Agriculture)

New Delhi, the 15th January 1970

S.O. 337.—The following draft rules further to amend the Curry Powder Grading and Marking Rules, 1956, which the Central Government proposes to make in

exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937, are published as required by the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration on or after 15-2-1970.

Any objections and suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Rules

1. These rules may be called the Curry Powder Grading and Marking (Amendment) Rules, 1970.

2. In the Curry Powder Grading and Marking Rules, 1956, for Schedule III, the following Schedule shall be substituted, namely:—

SCHEDULE III

(See Rules 3 and 4)

Grade designation and definition of quality of Curry Powder

Product	Maximum percentage of moisture	Maximum percentage of common salt.	Volatile oil minimum %V/W on dry basis	Non Volatile ether extract minimum on dry basis	Ash insoluble in dil. HCL. maximum on dry basis	Crude fibre max. on dry basis	Lead on dry basis p. p. m.	General Characteristics
1	2	3	4	5	6	7	8	9
Powder	10.00	5	0.25	7.5	1.00	15.00	10.0	<p>* Curry Powder shall be prepared by grinding clean and wholesome spices, aromatic herbs and seeds such as black pepper, cinnamon, cloves, coriander, cardamom, chillies, cuminseeds, fenugreek, garlic, ginger, mustard, poppy seeds, turmeric, mace, nutmeg, curry leaves, white pepper, saffron and aniseed. The material may contain added starch and edible common salt. The proportion of spices used in the preparation of curry powder shall be not less than 85% by weight.</p> <p>The powder shall be free from dirt mould growth and insect infestation. It shall be free from added colouring matter and preservatives other than common salt. If condiments, spices or aromatic herbs other than these enumerated above</p>

* May also be prepared for export only with ground spices not less than 70% by weight and salt 10% in such cases specifications under columns 2 and 8 must be conformed by the product.

I	2	3	4	5	6	7	8	9
								are ground and mixed the nature of such added ingredient or ingredients shall be clearly marked on the label.

[No. F. 13-20/67-LA.]

खाद्य, कृषि, सामुदायिक विकास तथा सहकारिता मंत्रालय

(कृषि विभाग)

नई दिल्ली, 15 जनवरी, 1970

क्रा० खा० 337 कढ़ई पाउडर श्रेणीकरण तथा विपणन नियमावली 1956 को, जिसे कृषि उत्पाद (श्रेणीकरण और चिन्ह) अधिनियम 1937 की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार का संशोधित करने का प्रस्ताव है, उक्त धारा में दी गई विधि के अनुसार उन समस्त व्यक्तियों की जानकारी के लिये प्रकाशित किया जाता है जो उससे प्रभावित हो सकते हैं और एतद्द्वारा नोटिस दिया जाता है कि उक्त प्रारूप नियमों पर 15-2-1970 या उसके पश्चात विचार किया जायेगा।

यदि निर्दिष्ट तारीख तक उक्त प्रारूप के विषय में किसी व्यक्ति के कोई उजर या सुझाव प्राप्त हुये हों तो केन्द्रीय सरकार उन पर विचार करेगी।

प्रारूप नियमावली

1. इन नियमों को कढ़ी पाउडर श्रेणीकरण तथा विपणन (संशोधन) नियमावली 1970 कहा जा सकेगा।

2. कढ़ी पाउडर श्रेणीकरण और विपणन नियमावली 1956 में अनुसूची 111 के स्थान पर

अनुसूची

(नियम 3 तथा

कढ़ई पाउडर का श्रेणी अभिधान तथा

उत्पाद	नमी की अधिकतम प्रतिशतता	सामान्य नमक की अधिकतम प्रतिशतता	बाष्पील तेल का न्यूनतम प्रतिशत शुष्क आधार पर की। डाल्यू	गैर बाष्पील ईथर सार, शुष्क आधार पर न्यूनतम	एच सी एल में अप्रचलनशील राख, शुष्क आधार पर अधिकतम	अपरिपक्व रेशा, शुष्क आधार पर अधिकतम
1	2	3	4	5	6	7
कढ़ई पाउडर	10.00	5	0.25	7.5	1.00	15.00

*कम से कम 70 प्रतिशत वजन के पिसे हुए मसाले तथा 10 प्रतिशत नमक के मिलाने ही स्तम्भ 2 और 8 में की गई विशिष्टियाँ के अनुसार होना चाहिये।

निम्नलिखित अनुसूची प्रतिस्थापित की जाएगी, अर्थात् :-

III

4 देखिये)

उसकी क्वालिटी की परिभाषा

शुष्क आधार
पर लीड
अधिकतम
पी०पी०एम०

सामान्य विशेषतायें

8

9

10 00

कड़ई पाउडर को साफ और पूर्ण मसालों, सुगन्धित जड़ी बूटियों तथा काली मिर्च, दार चीनी, लौंग, धनिया, इलायची, मिर्च, जीरे के बीजों, मेथी, लहसुन, अदरक, राई, खस-खस, के बीजों, तारामीरा, जायफल, कड़ई के पत्तों, सफेद मिर्च, केसर, तथा मोफ को पीसने से तैयार किया जायेगा। इस सामग्री में स्टार्च तथा खाने का सामान्य नमक अधिक मात्रा में होंगे। कड़ई पाउडर से प्रयोग होने वाले मसालों का अनुपात वजन की तुलना में 85 प्रतिशत से कम न होंगी। पाउडर गन्दी, मोल्ड भ्रूथ तथा कीटाणुओं से मुक्त होगा। सामान्य नमक को जोड़कर यह अधिक रंग पदार्थ तथा परिचाणात्मक रसायनों से मुक्त होगा। यदि उपरोक्त के सिवाय मिर्च मसाला तथा सुगन्धित बूटियां पीसकर मिलायी जायें तो इन मिलाये हुए पदार्थ या पदार्थों के गुण लेबल पर स्पष्ट रूप से अंकित किये जायेंगे।

[नं० फा० 13-20 / 67-ए० एम०]

से केवल निर्यात के लिये भी तैयार किया जा सकता है। ऐसे मामलों में उत्पाद अवश्य

S.O. 338.—In exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), the Central Government hereby makes the following rules further to amend the Curry Powder Grading and Marking Rules, 1956, the same having been previously published as required by the said section namely:—

1. These rules may be called the Curry Powder Grading and Marking (Amendment) Rules, 1970.

2. In the Curry Powder Grading and Marking Rules, 1956,

(a) for rules 5 and 6, the following rules shall be substituted namely:—

“5. *Grade designation marks*:—(1) The grade designation marks in the case of curry powder packed in polythene or paper bags shall consist of a design incorporating the number of Certificate of Authorisation the word ‘Agmark’ and the grade approved by the Agricultural Marketing Adviser to the Government of India.

(2) The grade designation mark in the case of curry powder packed in tins or glass containers shall consist of a paste-on label, specifying the grade designation and bearing the design of a map of India with the word ‘Agmark’.

(3) The grade designation mark in the case of curry powder packed in containers of jute or cloth as also in containers in which sealed polythene bags of graded curry powder are packed shall consist of a label, specifying the grade designation and bearing the design (consisting of an outline map of India with the word ‘Agmark’ and the figure of rising sun, with the words ‘Produce of India’ and “ भारतीय उत्पादन ” resembling the one as set out in Schedule I.

6. *Method of marking*:—(1) The grade designation mark shall be securely affixed to or printed on each container in a manner approved by the Agricultural Marketing Adviser to the Government of India.

(2) In addition to the grade designation mark, the following particulars shall also be clearly and indelibly marked on each container, namely:—

(a) Date of packing in code or plain letters,

(b) Lot number, and

(c) Net weight.

(3) An authorised packer may, after obtaining the prior approval of the Agricultural Marketing Adviser to the Government of India, mark his private trade mark on a container, in a manner approved by the said officer, provided that the private trade mark does not represent a quality or grade different from that indicated by the grade designation mark affixed to or printed on the container in accordance with these rules.”

(b) in rule 7, for sub-rule (1), the following sub-rule shall be substituted, namely:—

“(1) Only new and clean tins, glass containers, polythene, jute or cloth containers or paper bags properly lined with suitable material shall be used for packing curry powder and these shall be closed and sealed in a manner approved by the Agricultural Marketing Adviser to the Government of India.

[No. F. 13-20/67-A.M.]

B. R. KAPOOR, Under Secy.

का० प्रा० 338:—कृषि उत्पाद (श्रेणीकरण और चिह्नन अधिनियम 1937 (1937 का) की धारा 3 द्वारा प्रदत्त शक्तियों का उपयोग करते हुए केन्द्रीय सरकार कड़ी पाउडर श्रेणीकरण और चिह्नन नियम 1956 में, अतिरिक्त संशोधन करने के लिए एतद्वारा निम्नलिखित नियम बनानी है जो उपर्युक्त धारा की अपेक्षानुसार पहले ही प्रकाशित किये जा चुके हैं:—

1. ये नियम कड़ी पाउडर और चिह्नन (संशोधन) निम्न 1970 कहे जा सकेंगे

2. कढ़ी पाउडर श्रेणीकरण तथा चिह्नन नियम, 1956 में,

(क) नियम 5 तथा 6 के स्थान पर निम्नलिखित नियम प्रतिस्थापित किए जाएंगे, अर्थात् :—

5. श्रेणी अभिधान चिह्नः—(1) पौलीथीन या कागज के थैलों में पैक किये हुए कढ़ी पाउडर की दशा में श्रेणी अभिधान चिह्न का डिजाइन ऐसा होगा जिस पर प्राधिकरण प्रमाण पत्र की संख्या, “ऐग्मार्क” शब्द तथा कृषि विपणन सलाहकार भारत सरकार द्वारा स्वीकार की हुई श्रेणी अंकित हो।

(2) टीन या कांच के आधानों में पैक किये हुए कढ़ी पाउडर की दशा में श्रेणी अभिधान चिह्न का ऐसा चिपकाया हुआ लेबिल होगा जिस पर श्रेणी अभिधान विनिर्दिष्ट हो तथा “ऐग्मार्क” शब्द सहित भारत के नक्शे का डिजाइन हो।

(3) पटसन या कपड़े के आधानों में पैक हुआ और ऐसे आधानों में जिनमें श्रेणीकृत कढ़ी पाउडर के पौलीथीन के मोहरबन्द थैले पैक किये जाते हैं, पैक किये गये कढ़ी पाउडर की दशा में श्रेणी अभिधान चिह्न का वह लेबिल होगा जिस पर श्रेणी अभिधान विनिर्दिष्ट हो और “ऐग्मार्क” शब्द सहित भारत के नक्शे के रेखाचित्र की तथा “प्रोड्यूस आफ इंडिया” और “भारतीय उत्पाद” सहित उदीयमान सूर्य के चित्र का, जो अनुसूची 1 में दिखाये गये चित्र से मिलता जुलता हो, डिजाइन हो।

6. चिह्न की पद्धति (1) श्रेणी अभिधान चिह्न कृषि विपणन सलाहकार द्वारा अनुमोदित रीति से प्रत्येक आधान पर मजबूती के साथ चिपकाया या छापा जायेगा।

(2) उपर्युक्त के अतिरिक्त, प्रत्येक आधान पर निम्नलिखित व्योरे भी स्पष्ट और पक्के नौर पर अंकित किये जायेंगे :—

(क) कोड या साफ अक्षरों में पैकिंग की तारीख,

(ख) लाट संख्या, और

(ग) शुद्ध तोल।

(3) प्राधिकृत पेकर कृषि विपणन सलाहकार भारत सरकार से पूर्व अनुमोदन प्राप्त कर लेने के पश्चात् उक्त अधिकारी द्वारा स्वीकृत रीति से, आधान पर अपना प्राइवेट ट्रेडमार्क लगा सकता है परन्तु यह तब तक कि प्राइवेट ट्रेडमार्क से कोई भी ऐसा कालिग्रे या श्रेणी प्रदर्शित न होती हो जो इन नियमों के अनुसार चिपकाये गये या छापे गये अभिधान चिह्न से भिन्न हो।

(ख) नियम 7 में उपनियम (1) के स्थान पर निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—

(1) कढ़ी पाउडर पैक करने के लिये केवल नये और साफ टिन, शीशे के आधान, पौलीथीन, पटसन या कपड़े के आधान कागज के थैलों का प्रयोग किया जायेगा और इनको भारत सरकार के कृषि विपणन सलाहकार भारत सरकार द्वारा अनुमोदित ढंग से बन्द करके मोहर लगायी जायेगी।

[सं०फा० 13-20/67-ए० एम०]

बी० आर० कपूर, अवसर सचिव।

MINISTRY OF IRRIGATION AND POWER

ORDER

New Delhi, the 21st January 1970

S.O. 339.—In exercise of the powers conferred by Sub-rule (2) of Rule 133 of the Indian Electricity Rules, 1956, the Central Government hereby directs that the provisions of Rules 118(c) and 130 of the said Rules shall be relaxed in respect of the use of the following apparatus in conjunction with one 3.3KV Russian Shovel Model EKC 4.6 Cubic metre, Serial No. OM 1002:

One 30KVA, 3.3KV/230 volts, 3 phase star/star transformer neutral of 230 volts insulated Serial No. 13950.

In the Open Cast Mine of Ummer Colliery of M/s. National Coal Development Corporation Ltd. to the extent that (1) in relaxation of Rule 118(c), 133 volts system of supply intended for use for lighting purposes within the Shovel from 30KVA, 3.3KV/230 volts, 3 phase transformer, the transformer having the neutral of the secondary insulated and as such the voltage of the system being obtained between a phase and insulated neutral and not between phases as contemplated in Rule 118(c), the 133 volts system of supply is specially considered and may be used, and (2) in relaxation of Rule 130, the 30KVA, 3.3KV/230 volts transformer connected in star on high voltage and low voltage sides may not have the neutral point of their secondary connected to earth.

Provided that the aforesaid relaxation shall be valid for such time as the said machine is in use in the mine and due information shall be given to the Central Government through the Deputy Director of Mines Safety (Electrical-Hqs.), Dhanbad, as soon as the machine is taken out of the mine.

[No. EL.II6(1)/69.]

M. RAMANATHAN,

Deputy Director (Power).

तिरवाई व बिजली मंत्रालय

आदेश

नई दिल्ली, 21 जनवरी, 1970

क्र० आ० 339:—भारतीय बिजली नियमावली, 1956 के नियम 133 के उपनियम (2) द्वारा प्रदेत् अधिकारों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा निर्देश देती है कि उक्त नियमावली के नियम 118 (ग) और 130 में राष्ट्रीय कोयला विकास निगम लि० की उमेर कोयला-खान की ओपन कास्ट में एक 3.3 के०के० वी० रूसी शोवल माडल ई० के० जी० 4.6 घन मीटर, क्रम सं० ओ० एम० 1002 के साथ मिला कर निम्नलिखित उपकरण के प्रयोग के संबंध में शिथिलीकृत होंगे 1:—

विसंवाहित (इन्सुलेटिड) 230 बोल्ट की मध्यम (न्यूट्रल) तार वाला एक 30 के० वी० ए०.

3.3 के० वी०/230 बोल्ट, 3 फेज स्टार/स्टार ट्रांसफार्मर, क्रम सं० 13950 ।

यह शिथिलीकरण इस हद तक होगा— (1) नियम 118(ग) के शिथिलीकरण के संबंध में, 30 के० वी० ए० 3.3 के० वी०/230 बोल्ट, 3 फेज ट्रांसफार्मर से, जो द्वितीयक (सेकेंडरी) निसंवाहित (इन्सुलेटिड) के मध्यम (न्यूट्रल) तार वाला है, और इसी प्रकार प्रणाली की बोल्टज एक फेज और विसंवाहित मध्यम तार (इन्सुलेटिड न्यूट्रल) के बीच से और न कि नियम 118 (ग) में परिकल्पित व्यवस्था के अनुसार फेजों के बीच से प्राप्त होती है, अभिप्रेत 133 बोल्ट की सप्लाई प्रणाली पर विशेष रूप से विचार किया गया है और इस का प्रयोग किया जाए; और (2) जहां तक नियम 130 के शिथिलीकरण का संबंध है, उच्च बोल्टता और निम्न बोल्टता पर स्टार में जुड़े 30 के० वी० ए०, 3.3 के० वी०/230 बोल्ट के ट्रांसफार्मर में भू-योजन (अर्थ) के साथ जुड़ी उस की द्वितीयक तार (सेकेंडरी) के निरावेशित (न्यूट्रल) स्थल का होना आवश्यक नहीं है।

परन्तु उक्त शिथिलीकरण उस समय तक लागू रहेगा जब तक उक्त यंत्र उस खान में काम करता है और ज्योंही खान में से यह यंत्र निकाल लिया जाएगा, ज्योंही बिजली मुख्यालय में खान सुरक्षा उपनिदेशक के माध्यम से केन्द्रीय सरकार को उस की सूचना दे दी जाएगी।

[सं वि० दो-6(1)/69]

एम० रामनाथन्

उप निदेशक (बिजली)।

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 22nd January, 1970.

S.O. 340.—In exercise of the powers conferred by clauses (f) and (g) of sub-section (1) of Section 47 of the Indian Railways Act, 1890 (9 of 1890), the Central Government hereby makes the following amendment in the rules published under the notification of the Government of India in the Ministry of Railways (Railway Board) No. TCII/3036/58/ Notification dated the 28th August, 1958.

In the said notification, in 'I-Rules For Warehousing And Retaining of Goods' for sub-rule (a) and (b) of rule 2, the following shall be substituted namely:—

- (a) Wharfage shall be charged at a rate not exceeding Rs. 10 and not below Rs. 2 per two wheeled or four wheeled carriage, motor car, boat, motor boat, dog-cart and tonga and not exceeding Rs. 2 per palanquin, dhooly and howdah per day or part of a day left on the premises of a Railway Administration awaiting removal by consignee after the expiration of 24 hours from the time at which they are unloaded.
- (b) (i) A similar charge as mentioned in (a) above may be made on such carriages, motor cars, etc., brought to premises of a Railway Administration for despatch and awaiting a despatch order from the consignor, after the expiration of 24 hours from the time they are brought to the premises of a Railway Administration.
- (ii) The Railway Administration will, however, not be responsible in respect of such boats, carriages, etc., which will remain at owner's risk until a railway receipt is granted.

[No. TCI/201/2/69.]

C. S. PARAMESHWARAN, Secy.

MINISTRY OF EDUCATION AND YOUTH SERVICES

New Delhi, the 19th January 1970

S.O. 341.—In exercise of the powers conferred on it by section 29 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, (24 of 1958), the Central Government hereby directs that the powers conferred on it by sub-section (1) of section 6 of the said Act shall be exercisable also by the Superintending Archaeologists of the Archaeological Survey of India.

[No. F. 5/200/69-CAI(I).]

KANWAR LAL, Under Secy.

शिक्षा तथा युवक सेवा मंत्रालय

नई दिल्ली, 19 जनवरी, 1970

सा०प्र० 341.—प्राचीन स्मारक तथा पुरातत्वीय स्थान एवं खंडहर अधिनियम, 1958 (1958 का 24 वां) की धारा 29 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इसके द्वारा निदेश

देती है कि कथित अधिनियम की धारा 6 की उपधारा (1) द्वारा उसको प्रदत्त शक्तियों का प्रयोग भारतीय पुरातत्व सर्वेक्षण के अधीक्षक पुरातत्वज्ञ भी कर सकते हैं।

[सं० एफ० 5/200/69-सी० ए० I(1)]

कंवर लाल, अवर सचिव।

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 12th January 1970

S.O. 342.—In exercise of the powers conferred by Section 3 of the Cinematograph Act, 1952 (37 of 1952) read with proviso below sub-rule 2 of 4 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby appoints Shri M. V. Desai, an officer of the Senior Administrative Grade (Senior Scale) of the Central Information Service to act as Chairman, Central Board of Film Censors, with additional charge of the post of Adviser, Film Information and Publicity, for a period of three months with effect from the forenoon of 12th December, 1969 or till a suitable officer is appointed to the post of Chairman, in accordance with the provisions of the rules, whichever is earlier.

[No. F. 2/45/67-F(C).J.]

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 12 जनवरी, 1970

एस० ओ० 242.—चलचित्र (सेंसर) नियमावली, 1958 के नियम 4 के उपनियम 2 के नीचे परन्तु क के साथ पठित अधिनियम, 1952 (1952 का 37) की धारा 3 द्वारा प्रदत्त अधिकारियों का प्रयोग करते हुए, केन्द्रीय सरकार ने एतद्वारा केन्द्रीय सूचना सेवा के सीनियर प्रशासनिक ग्रेड (सीनियर स्केल) के अधिकारी श्री एम वी० देसाई को योजना, सूचना और प्रचार सलाहकार के पद के कार्यभार के अतिरिक्त केन्द्रीय फिल्म सेंसर बोर्ड का अध्यक्ष नियुक्त किया है। यह नियुक्ति 12 दिसम्बर, 1969 के पूर्वार्द्ध से 3 महीने की अवधि के लिये या नियमों के उपबन्धों के अनुसार केन्द्रीय फिल्म सेंसर बोर्ड के अध्यक्ष के पद पर उपयुक्त अधिकारी की नियुक्ति होने तक, इनमें जो भी पहले हो, की गई है।

[सं० फा० 2/45/67-एफ (सी)]

ORDERS

New Delhi, the 19th January 1970

S.O. 343. In pursuance of the directions issued under the provisions of the enactments specified in the First Schedule annexed hereto the Central Government after considering the recommendations of the Film Advisory Board, Bombay, hereby approves the film specified in column 2 of the Second Schedule annexed hereto in all its language versions to be of the description specified against it in column 6 of the said Second Schedule.

THE FIRST SCHEDULE.

- (1) Sub-Section (4) of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-Section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XI of 1953).

THE SECOND SCHEDULE

Sl. No.]	Title of the film	Length 35mm	Name of the Applicant.	Name of the Producer	Whether a Scientific film or a film intended for educational purposes or a film dealing with new and current events or a documentary film
1	2	3	4	5	6
I	Maharashtra News No. 211 (Marathi & Hindi).	297-75M	Director of Publicity, Government of Maharashtra, 68-Film Centre, Tardco, Bombay-34.	Film dealing with new and current events (for release in Maharashtra circuit only).	

[No. F. 28/1/70-FP App. 1411.]

आवेश

नई दिल्ली, 19 जनवरी, 1970

एस० अ० 343 : — इसके साथ लगी प्रथम अनुसूची में निर्धारित प्रत्येक अधिनियम के उपबन्ध के अन्तर्गत जारी किये गये निदेशों के अनुसार, केन्द्रीय सरकार, फिल्म सलाहकार बोर्ड, बम्बई की सिफारिशों पर विचार करने के बाद, एतद्वारा, इसके साथ लगी द्वितीय अनुसूची के कालम 2 में दी गई फिल्म को उसके मराठी तथा हिन्दी भाषाओं के रूपान्तर सहित, जिसका विवरण उसके सामने उक्त द्वितीय अनुसूची के कालम 6 में दिया हुआ है, स्वीकृत करती है :—

प्रथम अनुसूची

- (1) चलचित्र अधिनियम, 1952 (1952 का 37 वां केन्द्रीय अधिनियम) की धारा 12 की उपधारा (4) तथा धारा 16
- (2) बम्बई सिनेमा (विनियम) अधिनियम 1953 (1953 का 11 वां) बम्बई अधिनियम की धारा 5 की उपधारा (3) तथा धारा 9

द्वितीय अनुसूची

क्रम संख्या	फिल्म का नाम	लम्बाई 35 मिमी 0	अवेदक का नाम	निर्माता का नाम	क्या वैज्ञानिक फिल्म है या शिक्षा सम्बन्धी फिल्म है या समाचार और सामयिक घटनाओं की फिल्म है या शकुमेन्द्री फिल्म है ।
(1)	(2)	(3)	(4)	(5)	(6)
1	महाराष्ट्र समाचार संख्या 211 (मराठी और हिन्दी)	297.79 मीटर	प्रचार निदेशक, महाराष्ट्र सरकार, 68, फिल्म सेंटर तारदेव, बम्बई 34.	समाचार और सामयिक घटनाओं की फिल्म (केवल महाराष्ट्र सर्किट के लिये)	

[सं० 28/1/70-एफ० पी० परिशिष्ट 1411]

के० के० खान, अवसर सचिव ।

S.O. 344.—In pursuance of the directions issued under the provisions of each of the enactments specified in the First Schedule annexed hereto, the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the films specified in column 2 of the Second Schedule annexed hereto in Gujarati to be of the description specified against each in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- (1) Sub-Section 4 of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-Section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XVII of 1953).
- (3) Sub-Section (4) of Section 5 and Section 9 of the Saurashtra Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

THE SECOND SCHEDULE.

Sl. No.	Title of the film	Length 35mm	Name of the Applicant	Name of the Producer	Whether a Scientific film or a film intended for educational purposes or a film dealing with news & current events or a documentary film
1	2	3	4	5	6
1	Mahitichitra No. 116	257.00M	Director of Information Govt. of Gujarat, Sachivalaya, Ahmedabad-15.		Film dealing with news and current events (For release in Gujarat circuit only)
2	Gujarat Na Bundaro	379.78M	Do.		Film intended for educational purposes (For release in the Gujarat circuit).

[No. F. 2^a/1/70-FP App.1412.]

K. K. KHAN, Under Secy.

MINISTRY OF HEALTH, FAMILY PLANNING AND W.H. AND U.D.

(Department of Health)

New Delhi, the 19th January 1970

S.O. 345.—The following draft of certain rules further to amend the Drugs and Cosmetics Rules, 1945, which the Central Government proposes to make, after consultation with the Drugs Technical Advisory Board, in exercise of the powers conferred by section 12 and 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), is published, as required by the said sections for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 15th April, 1970.

2. Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government:—

Draft Rules

1. These rules may be called the Drugs and Cosmetics (Amendment) Rules, 1970.

2. In the Drugs and Cosmetics Rules, 1945, in clause (ee) of rule 2,—

(i) in sub-clause (ii), after the word 'medicine' the following shall be inserted, namely:—

“, excluding the Homoeopathic system of medicine”;

(ii) in sub-clause (iii) after the words 'medical register', the following shall be inserted, namely:—

“, other than a register for the registration of Homoeopathic practitioner.”.

[No. 1-57/68-D.]

HAMIDULLAH KHAN, Under Secy.

(Department of Works, Housing and Urban Development)

New Delhi, the 23rd January 1970

S.O. 346.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Health and Family Planning and Works, Housing and Urban Development (Department of Works, Housing and Urban Development) No. S.O. 1764 dated the 28th April, 1969 namely:—

In the Table to the said notification, under column (1), for the existing entry the following shall be substituted, namely:—

“Assistant Township Administrator in the Township Administration Department, Neyveli Lignite Corporation Limited, Tamil Nadu (Madras).”

[No. F.21012(7)/69-Pol.IV.]

S.O. 347.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby appoints the officers mentioned in column (1) of the Table below, being the officers equivalent to the rank of gazetted officers of Government to be estate officers for the purposes of the said Act, who shall exercise the powers conferred, and perform the duties imposed on estate officers by or under the said Act within the local limits of their respective jurisdiction in respect of the public premises specified in the corresponding entry in column (2) of the said Table.

THE TABLE

Designation of Officer.	Categories of public premises and local limits of jurisdiction.
(1)	(2)
1. Legal Officers in the Head Office at Bombay.	Premises under the administrative control of the Indian Oil Corporation limited situated within the local limits of their respective jurisdiction.
2. Legal Officers in the Branches, at Bombay, Delhi, Calcutta and Madras.	

[No. F.21011(4)/66-Pol.IV.]

S.O. 348.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being officer equivalent to the rank of a gazetted officer of Government, to be Estate Officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on estate officers by or under the said Act within the local limits of his jurisdiction in respect of the public premises specified in the corresponding entry in column (2) of the said Table.

THE TABLE

Designation of Officer.	Categories of public premises and local limits of jurisdiction.
(1)	(2)
Revenue Officer, Heavy Engineering Corporation Limited, Ranchi.	Premises belonging to and under the administrative control of Heavy Engineering Corporation Limited, situated at Ranchi, Bihar.

[No. F.21011(4)/66-Pol.IV.]

T. K. BALASUBRAMANIAN,

Dy. Director of Estates and *Ex-Officio* Under Secy.

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 19th January 1970

S.O. 349.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Nagpur, in the industrial dispute between the employers in relation to the management of Ballarpur Collieries Company, Post Office Ballarpur, District Chanda (Madhya Pradesh) and their workmen, which was received by the Central Government on the 15th January, 1970.

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT NAGPUR

REFERENCE (OGT) No. 3 OF 1969

PRESENT:

Shri G. V. Deo, B.A., LL.B., Presiding Officer.

PARTIES:

- (1) M/s. Ballarpur Collieries Company (Personnel Officer), Bissessor House, Nagpur.
- (2) The Manager, Ballarpur Colliery, Post Office Ballarpur, District Chandrapur.

Versus

Shri Narsayya Ranvayya, C/o General Secretary, Bombay Pradesh Mines Workers Union, Post Office Ballarpur, District Chandrapur.

APPEARANCES:

For Employer First Party—Shri M. K. Kumar, Officer in Personnel Dept.*For Workmen Second Party*—Shri Narsayya Ranvayya with Shri Labde, Vice President, M. P. Rashtriya Koyala Khadan Kamgar Sangh, Ballarpur.

STATE: Maharashtra

INDUSTRY: Colliery

Nagpur, dated the 5th January 1970

AWARD

This is a reference under Section 10(d) of the Industrial Disputes Act, 1947 for adjudication of a dispute between the parties regarding the dismissal from service of Shri Narsayya Ranvayya.

2. While this reference was pending the parties on 5th December, 1969 filed an application stating that the dispute has been amicably settled. According to the terms of settlement the employers have agreed to take the worker i.e. Shri

Narsayya Ranvayya on a new job with no back wages and the worker has agreed to forego all his previous claims if any, and treat the present dispute as finally closed.

3. Accordingly I make an Award in terms of the settlement mentioned above. The reference thus stands disposed of.

(Sd./-) G. V. DEO,
Presiding Officer.

[No. 5/11/69-LR.II.]

New Delhi, the 22nd January 1970

S.O. 350.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Ahmedabad in the industrial dispute between the employers in relation to the management of Oil and Natural Gas Commission, Cambay Navagam Project Cambay Wing Kansari and their workmen, which was received by the Central Government on the 13th January, 1970.

BEFORE SHRI INDRAJIT G. THAKORE, INDUSTRIAL TRIBUNAL

REFERENCE (ITC) No. 2 of 1969

ADJUDICATION

BETWEEN

The Oil and Natural Gas Commission, Cambay and Navagam Project,
Cambay Wing, Kansari.—*First Party.*

AND

The workmen employed under it—*Second Party.*

In the matter of termination of services of Shri Chandra Prakash Kapoor
Ex-Fitter with effect from 17th February, 1968.

APPEARANCES:

Shri D. C. Gandhi.—*for the First Party.*

Shri N. C. Shah.—*for the Second Party.*

AWARD

In exercise of the powers conferred by Section 7A, and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Government of India Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) by their order dated 8th/10th May, 1969 constituted an Industrial Tribunal with me as a Presiding Officer with headquarters at Ahmedabad. As the Central Government was also of the opinion that the industrial dispute existed between the employers in relation to the management of the Cambay and Navagam Project of the Oil and Natural Gas Commission, Cambay Wing, Kansari in the State of Gujarat and their workmen in respect of the matters specified in the schedule annexed and as the Central Government considered it desirable to refer the said dispute for adjudication, the said dispute was referred for adjudication to me. The dispute i.e. referred to me is mentioned in the schedule to the said order and is as follows:—

“Whether the action of the management of the Oil and Natural Gas Commission, Cambay Project, Cambay, in terminating the services of Shri Chandra Prakash Kapoor, Ex-Fitter, with effect from the 17th February, 1968, was justified? If not, to what relief is the workman entitled?”

I am glad the parties in this reference have come to terms and requested me to make an award in terms thereof. I, therefore, make an award in terms of settlement which is annexed hereto and marked Annexure “A”.

(Sd.) M. P. BAROT.

Secretary,

Ahmedabad, 8th January 1970.

(Sd.) INDRAJIT G. THAKORE

Industrial Tribunal.

ANNEXURE "A"

BEFORE SHRI I. G. THAKORE, HON'BLE INDUSTRIAL TRIBUNAL AT AHMEDABAD

REFERENCE (ITC) No. 2 OF 1969

May Please the Hon'ble Tribunal:

The parties in the above mentioned reference have arrived at an amicable settlement and it is prayed that an award in terms thereof may please be passed:

Terms of Settlement

That without prejudice to the contention of ONGC hereinafter referred to as 'Commission' that services of an employee can be terminated at any time without assigning any reason according to the contract of service or under the Conduct, Discipline and Appeal Regulations and without prejudice to the contention of the ONGC Employees Mazdoor Sabha, Baroda, hereinafter referred to as the 'Sabha' that the services can be terminated only as per the standing orders, it is hereby agreed that with a view to maintain and continue the existing improved industrial relations between the parties to the dispute and also on appeal from the Sabha to the Chairman for consideration of the case on sympathetic grounds, the parties have agreed as below:

(a) Shri C. P. Kapoor will be taken back in the employment of the Commission on the same terms and conditions and on the same post on which he was working in the Commission prior to the termination of his services from the Commission.

(b) That the employee so taken back shall be given an *ex-gratia* payment equal to what he would have got had he been suspended subject to a ceiling of Rs. 5000.

(c) That his services from the date of termination till the date of taking back will be treated as continuous but he shall not be entitled to any wages, bonus etc. for the period under reference. The services, however, shall be treated as continuous for the purpose of seniority, increment, C.P.F., gratuity, retrenchment compensation benefits and similar benefits.

(d) This settlement shall come into force from the date the award is given by the Industrial Tribunal.

Place: Ahmedabad.

Date: 6th January, 1970.

(Sd.)

Advocate for ONGC.

(Sd.)

Advocate for workmen.

[No. 25(8)/68-LR-IV.]

S.O. 351.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Victoria West Colliery of Messrs New Beerbhum Coal Company Limited, Post Office Barakar, District Burdwan and their workmen, which was received by the Central Government on the 17th January, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 73 OF 1969

PARTIES:

Employers in relation to the management of Victoria West Colliery of Messrs New Beerbhum Coal Company Ltd.,

AND

Their workmen.

PRESENT:

Shri B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Employers—Shri D. Narsingh, Advocate.

On behalf of Workmen—Shri Satyen Banerjee, Advocate.

STATE: West Bengal

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/39/68-LRII dated August 27, 1969, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following industrial dispute between the employers in relation to the management of Victoria West Colliery of Messrs New Beerbhumi Coal Co. Ltd., and their workmen, to this Tribunal, for adjudication, namely:

"Whether the management of Victoria West Colliery of Messrs New Beerbhumi Coal Company Limited, Post Office Barakar, District Burdwan, was justified in refusing payment of profit sharing bonus for the years 1965 and 1966 to Sarvashri Dasrath Pasman, Moti Nunia, Amrit Pasman and Pir Mohammed, Sirdars? If not, to what relief are these workmen entitled?"

2. The management and the workmen both filed their respective written statement. There was also a rejoinder filed by the management. According to the management, the four Sirdars, mentioned in the Order of reference, were not workmen, "either under the Coal Award or under the recommendation of the Coal Wage Board". They were not paid any wages but only sardari or commission which were expressly excluded from the scope of wages by Exception (vii) to section 2(21) of the Payment of Bonus Act, 1965. It was further stated by the employers that after the enforcement of the Payment of Bonus Act, there was no question of paying any profit sharing bonus *de hors* the Payment of Bonus Act and that the management was justified in refusing to pay any profit sharing bonus to the sirdars concerned.

3. In the written statement filed by the workmen, it was stated:

"6. That, Sarvashri Das Rath Pasman, Moti Nunia, Amrit Pasman and Pir Mohammad Sirdars are all workmen and are entitled to get Profit-sharing bonus as other workmen of the colliery.

7. That the workmen under reference are performing physical, supervisory duties with respect to the labour force under their supervision as per direction of the management and getting wages in the name of commission and sirdary.

8. That, prior to the Coal Wage Board implementation, the incumbent workmen are getting wages as mentioned below:

As commission : Rs. 1/3/- per Tub on pick coal and 50 per cent of the same on Machine cut coal.

As Sirdary : Rs. 5/- per hundred on pick coal and 50 per cent of the same on Machine cut coal.

In addition to all these workmen were getting .75 per day as interim relief as recommended by the Wage Board.

Shri Pir Mohammad was getting Rs. 36/- per week as Sirdary for physical supervisory duties with respect to the work of Underground trammers.

9. That, as per recommendation of the Wage Board this amount of commission and sirdary has been increased by 23 per cent and at present they are getting commission and sirdary as noted below.

(i) Commission — Rs. 0.96 per tub on pick coal.

(ii) Sirdary — Rs. 0.48 per hundred tubs pick coal.

In case of machine coal they are getting 50 per cent of the same rate as Sirdary and commission.

Shri Pir Mohammad is getting Rs. 30.90 per week for supervising the works of U/G Trammers.

In addition to this they are still getting interim relief Rs. .75 per day each as it was not adjusted with the Commission or with Sirdary."

In support of their case the workmen themselves strongly relied upon observations of the Supreme Court in *Bhagaband Colliery vs. their workmen* (1962), II LLJ 356.

4. No oral evidence was led in this case. The documentary evidence were all marked by consent.

5. It is appropriate for me to examine the law laid down by the Supreme Court in Bhagaband Colliery case (Supra) at this stage. I shall have to do that in the context of the facts of that case, because Mr. Satyen Banerjee, learned Advocate for the workmen strongly argued that there were facts in the instant case which were similar to the facts of the case before the Supreme Court. In Bhagaband Colliery, the facts were that the Borrea Coal Company Ltd. were the owners of Bhagaband Colliery and F. W. Heijgers & Co. (Private) Ltd. were the managing agents in the said colliery. There were "miners sirdars", who were paid what was known as sardari commission. Later on, the managing agents terminated the sardari commission of the sirdars on the ground that they were receiving the said commission without performing any corresponding duties and obligations. In the past, the practice for the colliery was to recruit labour through sirdars because labour used to be migratory. The sirdars who recruited and supplied the labour were paid commission on the output of labour force supplied by them. Some of the sirdars used, in addition, carry out the duty of supervision. Sometimes this duty was performed by them voluntarily but sometimes it was imposed upon them by the management. The latter class of sirdars was known as working sirdars. It was the case of the workmen that the concerned sirdars were working sirdars. It was common ground that each of the respondents before the Supreme Court was an employee in the colliery, each having specific duty to perform. It was also common ground that, outside their regular working hours, the respondents used to do the supervisory work with respect to the labour force supplied by each of them. It was also common ground that recruit of labour through sirdars is no longer permissible because it is obligatory upon the employers now, under Employment Exchange (Compulsory Notification of Vacancies) Act, 1959, to notify all vacancies to the Employment Exchange and to recruit labour only through the Employment Exchange. The dispute in regard to the breach of payment of sirdari commission to such sirdars was referred for adjudication to Central Government Industrial Tribunal at Dhanbad. Considering the facts on record, it was found that the sirdars engaged to do sardari work were treated as employees of the colliery and not independent contractors. The issue was found against the management. In the appeal before the Supreme Court, at the instance of Bhagaband Colliery, it was contended that Sirdars were not workmen but were independent contractors and that the commission paid to them was not wages under the Industrial Disputes Act and, as such, the reference of the dispute was incompetent. The Supreme Court negatived the contention. The reasons which weighed with the Supreme Court are herein below given:

"The reference would be competent only if the respondents in so far as they are performing supervisory duties over the labour force supplied by them were workmen as defined in the Act and the emoluments they received were wages as defined in the Act. If it is found in their favour on both these points, then the dispute would certainly fall within Sch. III and it would be within the competence of the Government to refer it for adjudication to an industrial tribunal under S.7A of the Act. The Tribunal has found as a fact that the respondents were performing supervisory duties with respect to the labour force supplied by them. Now workmen as defined in S. 2(s) of the Act means—

'any person.....employed in any industry to do any skilled or unskilled manual, supervisory, technical or clerical work for hire or reward whether the terms of employment be expressed or implied.....' (only relevant portion quoted).

It is no doubt true that the respondents were not expressly employed as supervisors by the company but certain correspondence which has been placed on record it seems clear that the company regarded them as their employees even with respect to the supervisory work. In this connexion we would refer first to item 20 which is a letter dated 19 January 1953 addressed by the manager to all the miners' sirdars. It reads thus:

'Last year this colliery was the worst for excessive work being lost due to two full days being stopped for Pitha Parab.

You are hereby warned that if you cannot arrange with your miners to keep the stoppage to a maximum of three shifts drastic action will be taken in consultation with Dy. C.M.E.'

The threat of drastic action referred to in this letter could not have been possibly addressed to an independent contractor but could well be addressed to an employee. Then there is item 19 addressed to all

the persons. That letter is dated 12th July 1958. The relevant portion of that letter runs thus:

‘.....Please arrange to be in the office on 18th and 19th July 1958 and explain your miners/loaders the real position if any complaint comes to you.’

The instructions contained in this letter could not reasonably be given to a contractor but rather to an employee. The same inference can be drawn from item 18 which is a letter addressed to the miners’ sirdars and dated 30th December 1958. There it is said that no worker shall be allowed to go down the mine or work therein any capacity except with the written authorization to that effect from the manager. Finally there is the letter dated 2nd January 1959 addressed by the manager to all the miners’ sirdars, the relevant portion of which is as follows:

‘You are hereby instructed to look after your miners as regards their working places and other facilities.

You will keep a check on personification when your own miner goes on leave/sick, etc. If you fail to bring such cases to the management, we will not appoint any further miners in your name.

Please note carefully.’

This is clearly indicative of the fact that the company exercised control over the supervisory work which the respondents performed in the mines. The only reasonable inference which we can draw from these letters is that the respondents must be regarded as workmen employed by the company even with respect to the supervisory work performed by them. It would thus follow that the respondents held two kinds of employment under the company, one as clerks, etc. and the other as supervisors of the labour forces supplied by each of them.

What was paid to the respondents was no doubt commissions at the rate of 3 pice per tub raised by the miners and a sirdari of Rs. 2 per 100 tubs. According to the definition of “wages” in the Act, all remuneration “capable of being expressed in terms of money” payable to a workman in respect of his emolument or for the work done in such employment would mean wages. The commission payable to sirdars being expressed in terms of money thus falls within the definition.

The respondents being thus employees even in their capacity as supervisors and being in receipt of wages, a dispute concerning the payment of wages would fall in entry 1 of the Third Schedule to the Act. The Central Government was, therefore, competent to refer the dispute in question to the Central Industrial Tribunal under S. 7A of the Act.”

6. Keeping the law as stated by the Supreme Court in mind, I have now to decide the reference before me. Two things were admitted before me:

- (a) that the accounting year of the company was from the 1st of November in a year to 31st October of the following year and the expression ‘year 1965 and 1966’ should be read to mean the accounting year ending on October 31, 1965 and October 31, 1966.
- (b) that the management of Victoria West Colliery were paying bonus to all employees of the company, under the Payment of Bonus Act for the accounting year ended 31st of October 1965 and 31st of October, 1966, at the rate of 4 per cent., that is to say the minimum bonus as under Section 10 of the Payment of Bonus Act, 1965.

Mr. D. Narsingh, learned Advocate for the management, submitted that the concerned sirdars were not workmen but were merely labour contractors, who were being paid commission or sirdari, which did not fall within the definition of wages as under Section 2(21)(vii) of the Payment of Bonus Act. It was further contended by him that since the sirdars were not persons employed on wages, they did not fall within the definition of employees as defined under Section 2(13) of the Payment of Bonus Act. He lastly contended that after the coming into operation of the payment of Bonus Act, 1965, there was no question of payment of profit-sharing bonus but only bonus under the Act. In substance his argument was that the concerned sirdars were not workmen and this was not an industrial dispute. Even if they were workmen, they would not have

been entitled to any profit-sharing bonus but to bonus under the Payment of Bonus Act.

7. Mr. Satyen Banerjee, learned Advocate for the workmen, contended that nothing depended on the name in which wages were being paid. If the commission or sirdari paid to the concerned sirdars were really wages then certainly such wages, paid under the name of commission or sirdari would not have the effect of rendering them any of the less wages. He submitted that everything would depend upon the fact whether the sirdars were working under the management of the colliery or were merely labour suppliers on contract basis.

8. Mr. Banerjee is right in the contention that this Tribunal has to look to the substance of the thing and not to be led or mislead by the label only. I, therefore, propose to go into the evidence and to determine what the sirdars really were and what they were in substance being paid. It is undisputed that the sirdars were liable to supervise the work of miners. In this context, I set out below a typical letter, Ext. B:

"For 3 months from 23rd December 1954 to 9th December 1955 your attendance Underground is only 13 days. This shows that you take very little interests in the actual supervision of the work done by your miners.

You were warned last time and as things have not improved your sirdary being wound up."

To the same effect appear to be Exts. C, E and G. It appears from Ext. D, that one of the sirdars was charged with mis-conduct and his explanation being unsatisfactory was penalised with a warning containing a caution of dismissal. The said exhibit (Ext. D) is set out herein below:

"The explanation to charge sheet No. 4116 dated 18th January 1954 is contrary to facts and evidence which disclose a most unsatisfactory state of affairs with regard to the payment of bonus for quarter ending September 1953 to workers on your identification. You are very strongly warned to desist from this malpractice, repetition (?) of which will force me to recommend you for dismissal."

Ext. H goes further. It threatens one of the concerned sirdars with disciplinary action. I set out below the same:

"Your loaders in 1 Dip section Bottom Seam did not go to the working places till 5 a.m. last night in 3rd shift. The Under Manager—night shift and Overman had to force them out from 12th level where they were dozing. You are hereby asked to warn your loaders and miners to go to their working places in time and you should personally check up from time to time that these instructions were obeyed failing which strong disciplinary action will be taken against you.

Please note that they have lost all claim for make up wages for the said period."

From the above documents, it appears: (a) that the sirdars were to attend the colliery regularly; (b) their attendance was linked up with work, namely supervision work of the miners and others and (c) for non-attendance or inadequate supervision they were even threatened with disciplinary action. These are consistent more with their position as workmen than as contractors.

9. There is another aspect of the matter which reinforces the contention of Mr. Satyen Banerjee to a very large extent. The Central Wage Board for Coal Mining Industry granted certain interim wage increase to workers, as appears from pages 4 and 5 of Volume I of the Report of the Central Wage Board for Coal Mining Industry (Government publication). It appears from Ext. 1(a), in Account Book Ext. 1, that the concerned sirdars were also granted the interim increase in wages. Thus, the management itself was treating, by their own conduct, the sirdars as wage earning workmen.

10. For all these reasons I am of the opinion that the concerned sirdars were workmen under Victoria West Colliery of Messrs New Beerbhum Coal Company Ltd. If they were workmen then they were certainly entitled to bonus under the Payment of Bonus Act. It being admitted that the management declared only 4 per cent bonus during the accounting years ending 31st October 1965 and 31st October 1966, the concerned sirdars are entitled to that amount only. I uphold the argument of the management that the workmen are not entitled to any bonus apart from bonus payable under the Payment of Bonus Act. Since I have held that the concerned sirdars were workmen, the sirdari and the commission

which were being paid to them inclusive of the interim increases will be taken as their wages and bonus will be calculated thereon for the periods mentioned, that is to say for the accounting years ending 31st October, 1965 and 31st October, 1966.

This is my award.

Dated, January 14, 1970.

(Sd.) B. N. BANERJEE,

Presiding Officer.

[No. 6/39/68-LRII.]

S.O. 352.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bombay in the industrial dispute between the employers in relation to the management of Ghughus Colliery of Messrs Ballarpur Collieries Company, Nagpur and their workmen, which was received by the Central Government on the 21st January, 1970

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY

REFERENCE NO. CGIT-49 OF 1965

PARTIES:

Employers in relation to Messrs Ballarpur Collieries Company, Bisesar House, Temple Road, Nagpur.

AND

their workmen.

PRESENT:

Shri A. T. Zambre, Presiding Officer.

APPEARANCES:

For the Employers—Shri S. V. Kanade, Personal Officer, Shri J. D. Sirmukadam, Deputy Personnel Officer and Shri M. K. Kumar, Officer in the Personnel Department.

For the Workmen—Dr. D. P. Kawadkar, President, Maharashtra Colliery Workers' Union with Shri Hamid Khan.

STATE: Maharashtra.

INDUSTRY: Coal Mining

Bombay, dated the 30th December 1969

AWARD

The Government of India in the Ministry of Labour and Employment by their order No. 5/12/65-LRII dated 30th July, 1965, have referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to Messrs Ballarpur Collieries Company, Nagpur and their workmen in respect of the matters specified in the following schedule :—

SCHEDULE

“(1) Whether the dismissal of Shri A. Hamid Khan, Weigh Clerk by the management of the Ghughus Colliery of Messrs Ballarpur Collieries, Nagpur is justified?

(2) If not, to what relief is he entitled?”

2. The employers Messrs Ballarpur Collieries Company are the owners of three collieries situated at Ballarpur, Sasti and Ghughus in the forest area in the district of Chanda. Each of the collieries has an office at its place and the head office of the company is situated at Bisesar House, Temple Road, Nagpur.

3. Shri Abdul Hamid Khan the workman concerned in this reference is in the employ of the company for the last 35 years. For the first fifteen years of his service he worked as a time keeper at Ghughus and since then has been working as a weigh clerk at the same place. He is a man of advanced age and at the relevant time he was about 57 years old. At the Ghughus office besides the Manager there was the head clerk and four clerks including Shri Hamid Khan in the loading section of the sales department. At Ghughus there are two railway sidings which

are at a distance of about one mile and it was the duty of the workman Hamid Khan as a weigh clerk to arrange and supervise the work of loading and also to carry out the office work with the help of the other clerks.

4. On the 12th January 1965 the management served the workman with a five page charge-sheet alleging that he had committed various misconducts (1) insubordination and disobedience whether alone or in combination with others under standing order 21(1) (2) taking or giving bribes under standing order 21(8)(3) habitual negligence or neglect of work under standing order 21(17)(4) acceptance of gifts from subordinate workmen—standing order 21(22) habitual breach of rules regulations etc., 21(27). With the charge-sheet notice he was also asked to show cause within 48 hours with a special direction that no extension of time would be granted for the reply. Accordingly the workman filed his explanation on the 14th January 1965. Thereafter the Manager appointed one Shri J. D. Sirmukkadam as the enquiry officer who held an enquiry and made a report to the Manager who passed an order dismissing the workman on 15th January, 1965. The workman was a member of the Maharashtra Colliery Workers' Union, Ballarpur and the union raised the dispute about the dismissal of Hamid Khan before the Assistant Labour Commissioner (Central). The Conciliation Officer issued notices to the parties and as the matter could not be settled made a failure report on which the dispute was referred to this Tribunal.

5. The Maharashtra Colliery Workers' Union which filed its statement of claim contended that the workman Shri Hamid Khan was the founder member of the Maharashtra Colliery Workers' Union. He was an active member and hence the management did not like him and he was being victimized. He was never allowed the grade that he deserved. Though he requested he was not even granted adequate staff with a view to harass and victimise him. He was one of the unliked staff and his long attitude of victimization against him resulted in his wrongful dismissal. It has alleged that the departmental enquiry was a mere farce. The management has issued charge-sheets against Shri Hamid Khan alleging several items of misconduct, the longest of the nature in the history of charge-sheets. They did not give him reasonable time to answer the charges and the management had predetermined to remove him from service. As he was compelled by the direction in the charge-sheet he had submitted the explanation on 14th January, 1965, in the morning at about 10 a.m. and without giving him any time to think or consult he was asked to appear before the enquiry officer Shri J. D. Sirmukkadam. The workman has alleged that the enquiry officer Shri Sirmukkadam had also given him oral assurances about no punishment and the enquiry officer hastily finished the departmental enquiry in the evening of the same day and the next day the workman was dismissed from service. It has been further contended that Shri Sirmukkadam was the Welfare Officer of the Company. He had also represented the management in other cases against the workers. He was partial towards the management and was not a fit person for acting as an enquiry officer. He had violated the principles of natural justice and the dismissal was illegal.

6. Regarding corruption it was contended that the allegations were totally false and the management had engineered the whole evidence with a view to charge him with a serious offence and support their intended action to remove him from service. It was contended that with a view to victimize him the management had charged him for a similar offence in the year 1963 and had suspended him for three days which was cancelled as a result of the conciliation proceedings. Thereafter the management tried to remove him from service saying that he was aged more than 60 and after examination by the Medical Officer of the colliery had sent him to the Civil Surgeon, Chanda in December 1964 but that attempt proved to be a failure and hence they have charged him for the various misconducts in the month of January, 1965. As the dismissal is illegal the same should be set aside and he be paid his salary with all allowances.

7. The management have by their written statement opposed the reference on technical grounds and denied the contentions of the workmen contending that the dispute concerned is that of a single workman. There was no reason why the issue should have been referred to the Tribunal instead of to a Labour Court and this Tribunal had no jurisdiction.

8. The employers have denied the allegations that the workman was victimized and was one of the unliked staff and have contended that there was no necessity of additional staff to assist him, and the workman was unreasonably making a demand for staff in order to show his lethargy and incompetency. They have admitted that the suspension of three days awarded to the workman as a punishment was set aside in conciliation proceedings but have contended that the

management had agreed to cancel the same on humanitarian grounds. Regarding the allegation of an attempt to remove him on the ground of old age it is contended that the workman was not performing the duties entrusted to him and with a view to find whether he was physically unfit to perform the duties entrusted to him the management got him examined by the medical officer attached to the colliery. The medical officer had reported that according to him he was sixty years of age but in spite of the report the management offered him an opportunity to appear before the Civil Surgeon and produce a certificate of physical fitness within 15 days and the management was not motivated to victimize him in any way.

9. It is alleged that Shri Sirmukkadam was the Deputy Personnel Officer of the Company. He was appointed as the enquiry officer. He had not given any assurance not to punish the workman. He had conducted the enquiry in a fair manner. The workman was given an opportunity to defend himself but he was confident that he had won over the witnesses and expected to get himself acquitted, and he did not take serious part in the enquiry and there was nothing improper in the procedure followed. The management have denied that the witnesses had given evidence at the instance of the management and have contended that the witnesses who were the subordinates of the workman had boldly given evidence about his corruption. His past record also showed about his negligence and habitual breach of rules and standing instructions and the order of dismissal was proper and he was not entitled to any relief.

10. Along with the statement of claim and the written statement both the parties had filed a number of annexures and copies of documents and correspondence and the reference was fixed for hearing on 7th February, 1968. With a view to prove the allegations of victimization, unfair labour practice etc., the union had examined the workman for showing the character of the enquiry officer Shri Sirmukkadam and gave an application for permission to produce documents about the dismissal of Shri Sirmukkadam by the President of India and the decree passed against him. The next day 8th February, 1968, the management examined the Personnel Officer Shri S. V. Kanade. They also wanted to consider the question about examining Shri Sirmukkadam as a witness in the case and hence the case was adjourned and the parties were given a long date for negotiating a settlement. On 13th March, 1968, when the dispute came up for hearing again in the open court there was a discussion and as both the parties agreed to reopen the whole enquiry and ignore the findings of the domestic enquiry as vitiated a consent order to that effect was passed and the reference was kept for full hearing on 15th May, 1968.

11. But subsequently after five days Shri Sirmukkadam on behalf of the management made an application that they had not agreed to reopen the enquiry and there was some misunderstanding and the consent order should be set aside. This application was also kept for hearing along with the reference. But subsequently the management preferred a writ petition against the order in the High Court of Bombay (Nagpur Bench) petition No. 750/68. This writ petition was settled and decided on 11th December, 1968, and their Lordships passed the following consent order:—

"The Tribunal should first decide the application filed by the petitioners—the Ballarpur Collieries Co., on 18th March, 1968, for correcting the consent order passed by the Tribunal on 13th March, 1968. In deciding the application the Tribunal may rely on its own knowledge of what had happened on 13th March, 1968, as well as the materials placed before it by both the sides."

After the receipt of the record the application dated 18th March, 1968, and the reference were fixed for hearing and after several adjournments the application was decided and dismissed on 18th September, 1969. In fact the consent order dated 13th March, 1968, had been passed as both the parties had agreed to reopen the enquiry and the order was written by me in open Court. It was also read aloud in open court and the application of the management for correcting the same was rejected and the reference was heard.

12. In support of their contentions regarding negligence and habitual breach of rule the management have examined the Head Clerk Shri Chaubal and for proving corruption they have in addition examined five mazdoors and have also produced the enquiry papers and other documents. The workman has also examined himself and produced a number of documents and the question is whether the order of dismissal was justified.

13. Before considering the contentions about fairness of the enquiry, observance of the principles of natural justice and the merits about the misconducts, it is necessary to deal with the technical pleas raised by the employers, challenging the validity of the reference and the jurisdiction of the Tribunal. In their first written statement dated 9th October, 1965, it was simply contended that the dispute concerned only the dismissal of a single workman and it was not an industrial dispute but when the matter came up for hearing the employers by their application dated 17th September, 1969, raised additional contentions that the union that sponsored the dispute about the dismissal of the workman had no sufficient number of employees as members of the union, it had no representative capacity and as it is not an industrial dispute, this Tribunal has no jurisdiction. In support of this contention the employers have along with the application produced a copy of the judgment in Ref. No. CGIT-1/1967 passed by the Industrial Tribunal, Jabalpur and have further relied upon the ruling reported in 1968 II LLJ page 723.

14. By the application dated 17th September, 1969, it was further contended that the issue about the nature of the dispute and the jurisdiction of the Tribunal was going to the root of the matter and it should be decided as a preliminary issue and after its decision the reference should be heard on the merits. The dispute was referred to this Tribunal for adjudication on 30th July 1965 and the record will show that the same has been pending and was required to be adjourned for one reason or the other at the instance of the employers and being a very old reference it was decided that all the issues should be heard together and the question is whether it is an industrial dispute and this Tribunal has jurisdiction.

15. I have already stated that the present dispute has been raised by the Maharashtra Colliery Workers' Union, Ballarpur Dist. Chanda. This union was started in 1961 and Shri Hamid Khan was its member from the inception. The evidence of Hamid Khan clearly shows that this union was representing a large number of workers. Shri Hamid Khan has stated:—

"I was a member of the Maharashtra Colliery Workers' Union from the beginning i.e., 1961. I was not an office bearer. But I used to collect the subscription of the Union from the workers. I also used to represent the grievances of the workers to the Union. Many wagon loaders were the members of this Union. There were disputes of the permanent workers about the minimum guaranteed payment. There was also dispute in respect of supply of grains. There was dispute about the time of absence and about the cut in the wages. There was also dispute raised by the temporary loaders. There were about 500—600 workers of the Ghugus Colliery who were the members of the Union."

16. It is also clear from the evidence of Shri Chaubal the Head Clerk of the management that the Maharashtra Colliery Workers' Union was functioning at Ghugus since 1961 and the workman concerned in the dispute Shri Hamid Khan was a member of this Union. Shri Chaubal has stated:—

"I know that the Maharashtra Colliery Workers' Union had started functioning there in the year 1961. I remember that this union had taken a morcha at Ghugus Colliery for grains. There was another union also by name Ghugus Colliery Workers' Union. I am aware of the dispute raised and fought by the Maharashtra Colliery Workers' Union during those days. There was no dispute raised by the Ghugus Colliery workers before the Tribunal but there were 2 or 3 before the Conciliation Officer. It is correct to say that the Maharashtra Colliery Workers' Union had fought lot of disputes during those days. Those disputes were in Tribunals and Courts also."

Though Shri Chaubal has denied knowledge about the union membership of all the wagon loaders he has stated:—

"I remember that the Maharashtra Colliery Workers' Union had raised the dispute for increasing the number of permanent workers in the loading section and that they had succeeded."

The whole evidence shows that the Maharashtra Colliery Workers' Union was the only union that was functioning effectively. Shri Chaubal has no knowledge about the membership and there is no reason to disbelieve the evidence of Shri Hamid Khan and it proves that the majority of the workers were the members of this union.

17. It is significant to remember that after their application dated 17th September, 1969, the management had given notice to the union to produce their registers and had also made an application dated 23rd September, 1969, by post to this Tribunal to direct the union to give them inspection of the registers containing the list of members. According to the notice the union had produced the registers continuously during three hearings but the management did not take inspection. Shri Sirmukkadam who took over the conduct of the case from Shri Kumar on 14th November, 1969, for cross-examining Hamid Khan inspected the registers before his evidence but did not raise any objection about the membership except the consolidated payment of subscription. This plea about representative capacity was also raised subsequently about four years after the written statement. It is clearly an afterthought and I do not find any substance in the contention that the Maharashtra Colliery Workers' Union that had sponsored the dispute had no representative capacity.

18. Shri Sirmukkadam had invited my attention to the copy of the judgment in Ref. No. CGIT 1/67. This was a dispute between the Ballarpur Colliery and the Maharashtra Colliery Workers' Union. The union had raised a dispute about the illegality of the dismissal of Dr. W. K. Maste, Medical Officer of the colliery and the management had contended that the union was not competent to espouse the dispute. However, it is clear from the award that the learned Tribunal had accepted the plea of the management about competency of the union as it was held that Dr. W. K. Maste was not a member of the Maharashtra Colliery Workers' Union before his dismissal. This shows that there was no question about the representative capacity of the union. On the contrary the management had admitted that it was the only union functioning at about that time. In this judgment it has been observed in the discussion on issue No. 1:

"Similarly the question of recognition is wholly extraneous to the question of competency to sponsor the dispute. It has been admitted by Shri Arvind Mahadeo Rego (EW-1) Labour Welfare Officer of the Colliery that only this Union, the Maharashtra Colliery Workers' Union is actively working in this colliery. That being so the union was competent to sponsor the dispute irrespective of the number of workers as members of the union and the fact whether it has been recognised or not."

These observations negative the contention raised by the management and the evidence clearly shows that the union had raised a number of disputes which were fought out before the Conciliation Officer as well as Tribunals and Courts and had the representative capacity.

19. The ruling reported in 1968 II LLJ. p. 723 (Tirupathi Cotton Mills Ltd., and Labour Court, Guntur and another) also does not help the management as in this ruling it has been observed:—

"It is now well settled that an individual dispute in order to be an industrial dispute must have the collective support from a considerable or substantial number of workmen in the establishment."

The number of disputes raised by this union clearly shows that it was actively functioning and had the representative capacity. The evidence of Hamid Khan shows that it had the membership of 500/600 employees and it was competent to sponsor the dispute and this Tribunal will have jurisdiction.

20. Shri Sirmukkadam has further contended that the dispute was in respect of the dismissal of a workman which is covered by schedule II of the Industrial Disputes Act and the reference to the Tribunal was incompetent. The Central Government should have made the reference to the Labour Court and not to the Tribunal and as such this Tribunal has no jurisdiction. I do not find any substance in this contention as it is clear from section 7A of the Industrial Disputes Act that the Tribunal has got jurisdiction in adjudicating the disputes relating to any matter specified in the second or third schedule. In this section it has been provided that the appropriate Government may by notification in the official gazette constitute one or more Industrial Tribunals for the adjudication of industrial disputes relating to any matter whether specified in the second schedule or the third schedule. It may be that the Labour Court may have been invested with jurisdiction to adjudicate the matters specified in the second schedule but the Tribunals have also got jurisdiction to adjudicate upon these matters in addition to the matters specified in the third schedule and the question of want of jurisdiction does not arise.

21. Shri Sirmukkadam on behalf of the management has contended that before the order of dismissal of the workman the management had held a proper enquiry and the competent officer had passed the dismissal order, the procedure prescribed was followed and the dismissal being legal the workman is not entitled to any relief. It has been argued that the management had served the workman with a charge-sheet and had given him full idea about the charges to be met. The management had also appointed a competent person as enquiry officer. After the explanation of the workman notice was issued to him and the enquiry was held in his presence and he was given full opportunity to cross-examine the witnesses. The enquiry officer had accepted the evidence of the management and held that the management had proved all the charges against the workman. He had made a report. There was nothing unfair in the enquiry. The workman was given full opportunity and the reference should be dismissed.

22. Shri Sirmukkadam had also invited my attention to the observations of their Lordships of the Supreme Court reported in 1958 1 LLJ 260 (Indian Iron and Steel Co. Ltd., and its workman) in which it has been held:—

"Undoubtedly the management of a concern has power to direct its own internal administration and discipline; but the power is not unlimited and when a dispute arises industrial tribunals have been given the power to see whether the termination of service of a workman is justified and to give appropriate relief. In cases of dismissal on misconduct the Tribunal does not however act as a court of appeal substitute its own judgment for that of the management. It will interfere (i) when there is want of good faith (ii) when there is victimization or unfair labour practice (iii) when the management has been guilty of a basic error or violation of a principle of natural justice and (iv) when on the materials the finding is completely baseless or perverse."

It has been argued that there are no circumstances and no reason to justify an interference in the order of dismissal and the reference should be thrown out.

23. Dr. Kawadkar on behalf of the union has on the contrary contended that the workman was a member of the Maharashtra Colliery Workers' Union. He was an active member and was considered by the management a headache. He was not liked by them and they were after his dismissal. Whenever the Manager had written to the workman about some delay in the work and correspondence the workman had given proper replies and explained the situation and as there was no sufficient ground to remove him from service the management engineered the false complaints of corruption and held a nominal enquiry through Shri Sirmukkadam who was a subordinate. The workman was not given any opportunity to prepare his defence. No proper procedure was followed. Principles of natural justice were not observed. The enquiry was unfair, biased and the order of dismissal was illegal.

24. However, this is not an ordinary case of reference in which the Tribunal will be required to consider only the questions about the fairness of the enquiry and a *prima facie* case about the charges levelled against the workman. But both the parties have led evidence in respect of their contentions and I shall first discuss the evidence and circumstances about defects in the enquiry and the procedure to determine whether there are good grounds for interference in the order of dismissal.

25. The union has contended that the whole enquiry was a mere farce. It was a planned, hurried and hasty action of the management. The workman was not given any chance even to think and consult and to produce any evidence to meet the charges against him. It is not in dispute that the workman was served with a copy of the charge-sheet on 12th January, 1965, and it might be presumed that the workman came to know the allegations against him. However it is clear from the charge-sheet that it is a long document covering a number of instances of misconducts from the year 1958. It runs into five pages and makes mention about more than 50 letters. It is an admitted fact that during the course of his service the workman had received the various letters from the year 1958 as reflected in the charges and had given replies. However, these various letters referred to in the charge-sheet were not furnished to the workman along with the charge-sheet and it is too much to presume that he will be able to recollect all the instances in the letters and give explanations to them within a period of 48 hours. In the chargesheet there is a specific direction that he was to show cause within 48 hours of the receipt of the charge-sheet and no extension of time for reply would be given and accordingly the workman had given

his explanation within 48 hours on the 14th January, 1965. However, considering the various items in the charge-sheet I do not think that in this case the time of 48 hours was sufficient to give a reply.

26. It is alleged by the union that Shri Sirmukkadam was working as a clerk in the head office and he was also a labour officer and was representing the management in the various disputes. He was styling himself to be the Deputy Personnel Officer and the enquiry should not have been entrusted to such a person. Leaving aside for a while the question about his fitness as enquiry officer it appears that Shri Sirmukkadam had come from Nagpur to Ghugus before 2 or 3 days. He is referred by the witnesses as Nagpurwalla Saheb. After the workman submitted his explanation on the 14th January, 1965, the Manager appointed Shri Sirmukkadam as an enquiry officer on the same day. The same day the Manager issued a notice to Shri Hamid Khan to attend the enquiry to be held by Shri Sirmukkadam the same day at 3 p.m. and the workman had to appear. Shri Sirmukkadam held the enquiry on the same day in the Bhugusdak bungalow examined the Head Clerk Shri Chaubal and seven other witnesses and the workman the same evening. He also considered the whole evidence and gave his findings in four typed pages and submitted them to the Manager the same day evening or night and the next morning on the 15th the workman was dismissed. Thus considering all the stages of the enquiry having taken place on the same day I do not think that the workman was given any fair opportunity to meet his case.

27. The union had while referring the dispute to the Conciliation Officer stated:—

"A longest of the nature in the history of the charge-sheets of the Ghugus Colliery he was issued a charge-sheet of 5 pages on 12th January, 1965, without giving him reasonable time to answer the same. The remarks in the list itself speak of predetermination of the management to inflict harder punishment which proved correct after receipt of dismissal order. The charge sheet as per instructions was answered by him on 14th January, 1965. On the same date he was asked to appear before the enquiry officer Shri J. D. Sirmukkadam for departmental enquiry in noon hours. He was issued a dismissal order on 15th January, 1965. As such (i) the fast and hasty action (ii) not giving the worker the chance to think or consult (iii) not allowing him to produce the witnesses in his favour (iv) not handing him over a copy of his and witnesses statements though demanded for and (v) not recording his and witnesses statements correctly—all these actions speak of unfair, victimized and intentional action on the part of the management in case of an old poor, sincere and hard worker."

The facts mentioned are borne by record. I have already discussed the length of the charge-sheet and the number of letters referred to in it. It is surprising that the manager should direct the workman to attend the enquiry the same day. He had given his explanation and it shall have to be held that what was given to the workman was not an opportunity. It has been held in the ruling reported in 1962 II LLJ 482 [Rangarajan (S) and Srirangam Janopakara Bank Ltd., and another] of the Madras High Court that—

"a reasonable opportunity means not only framing of charges and asking for explanation but much more. The employee must be apprised of the material on which the charges were framed so that he could have a proper opportunity of testing or challenging that material so far as would be possible for him. Further the employee was called upon in the forenoon to attend the domestic enquiry in the same evening. This was too brief a time to enable the employee to prepare himself for his defence. In the circumstances the order of the appellate authority upholding the discharge of the employee from service was quashed."

The facts in the above ruling are similar to the facts in the present enquiry and it shall have to be held that the time granted to the workman was too short to enable him to prepare his defence and it shall have to be held that no opportunity has been given to the workman in the enquiry.

28. Leaving aside this indecent haste committed by the management in the enquiry I do not think that they had also reasonably complied with the requirements of their own standing orders. It is not in dispute that when a workman has to be dismissed the Manager has to secure approval of the higher authority

either the owner, Secretary/Agent and Superintending Engineer or Personnel Officer and if circumstances warrant the authority may institute a separate independent enquiry. In Standing Order 23 it has been provided:—

"No orders of punishment by way of suspension dismissal or fine shall be made unless the worker concerned is informed in writing of the alleged misconduct and is given an opportunity to explain the circumstances alleged against him. The approval of the owner/Secretary/Agent/Superintending Engineer or Personnel Officer of the company is required in every case of dismissal and when circumstances appear to warrant it, that officer shall institute separate independent enquiries before dealing with the charges against a worker."

I have already observed that the enquiry officer started the enquiry on the 14th at 3 p.m. He gave his findings that very evening or night and the workman was dismissed the next day. It has come in evidence and is also not in dispute that the Ghugus colliery is situated in the forest area of Chanda District and it is clear from the evidence that even letters sent by post require four or five days to reach Nagpur; and the management's contention that after the enquiry report was typed and signed by the Enquiry Officer and received by the Manager on the 14th night he sent it to Nagpur and the Personnel Officer after going through it applied his mind properly and granted approval the next day does not stand to reason.

29. The management has tried to substantiate their case by examining Shri S. V. Kanade who has stated that he did not know how the papers were received but he found them on his table on the 15th. He has stated:—

"I have personally no knowledge how the papers were brought but they were on my table. Letters from Ghugus are received in four to five days depending upon postal efficiency."

Shri Kanade has stated that he went through the papers and passed the letter No. 366, dated 15th January, 1965, conveying his approval on the same day. Considering the volume of the documents and the work involved in the enquiry I do not think that the contention of the management that Shri Kanade had applied his mind and granted approval can be accepted. It may be a formal affair that the Manager might have phoned the Personnel Officer and the papers must have been prepared and submitted subsequently.

30. It is not in dispute that the office of the Ghugus colliery works from 8 to 12 a.m. and from 2 to 5 p.m. It is not likely that the enquiry officer would be able to write his findings in typed four pages and submit it to the Manager and the Manager taking action and corresponding with the Personnel Officer. In all this haste I do not think that the Personnel Officer had applied his mind properly to the record before granting approval and it shall have to be held that the provision of standing order 23 have not been complied with, and even if the case of the management that the papers were sent to the Personnel Officer before the order is accepted to be true the circumstances were such that the Personnel Officer ought to have thought of holding a separate independent enquiry especially when the concerned workman had a standing of 35 years service in the colliery. He had a good record and the whole affair was finished by the Manager within 2 days. Having been dismissed the same day the contentions of the union that the workman was not given a copy of the findings and he had no opportunity to show cause why the punishment of dismissal should not be inflicted upon him also appear to be correct and it shall have to be held that the domestic enquiry held was defective. The workman was not given a reasonable opportunity to meet the case.

31. This inference will be further corroborated from the circumstance that though in the charge-sheet the management had made reference to various letters and the complaint the copies were not furnished to him at the time of the charge-sheet. The charge-sheet contains one misconduct regarding corruption and in the charge-sheet it has been observed:—

"Besides the above we have received a written complaint from wagon loading mazdoors, both male and female that you are indulging in corruption accepting illegal gratification from your subordinates, forcing them to give you bribes and threatening and harassing the workers under you. These are very serious allegations against you."

The management had not even sent a copy of this complaint to the workman along with the charge-sheet nor had they informed him the names of the signatories or witnesses whom they were going to examine against him. It has been

observed in the ruling reported in 1963 II LLJ 392 (Meenglas Tea Estate and its workmen) in which Justice Hidayatullah has observed:—

"It is an elementary principle that a person who is required to answer a charge must know not only the accusation but also the testimony by which the accusation is supported....."

and as the workman had no knowledge about either the contents of the complaint or the persons who were going to testify thereto it is difficult to hold that the management had given full opportunity to the workman to meet the charges levelled against him.

32. Dr. Kawadkar has further contended that the enquiry officer Shri Sirmukkadam was not a proper person to act as judge in these proceedings. He has alleged that Shri Sirmukkadam was working as a labour officer in this colliery. He was also representing the management in various disputes raised by the union. He had joined hands with the Ghugus management and being a subordinate officer he could not go against the manager of the company. He had also given false assurances to the workman on the 12th January, 1965, when Shri Hamid Khan had received the charge-sheet and he was interested and biased. Dr. Kawadkar had also sought to prove the order of the President of India against Shri Sirmukkadam summarily dismissing him under clause (2) of Article 311 of the Constitution and has further argued that Shri Sirmukkadam was in league with the management that had determined to remove Shri Hamid Khan from service and he was not a fit person. It has been further urged that the Tribunal should take notice of the conduct of Shri Sirmukkadam after giving a word to the Tribunal about the reopening of the case had subsequently resiled and the findings given by such person should not be considered.

33. The union has produced a copy of the order by which Shri Sirmukkadam was dismissed by the President of India. It has also produced certain other documents but I do not think it necessary to enter into a discussion about the past conduct of Shri Sirmukkadam. But it shall have to be observed that when the evidence in this case was heard for two days from 7th February, 1968 to 8th February, 1968 and the matter was adjourned for negotiations and was fixed and taken up on 13th March, 1968, there was a discussion and on that day as both the parties had agreed to reopen the whole enquiry I had passed a consent order. But subsequently Shri Sirmukkadam had given an application on 18th March, 1968, contending that he had not agreed and that there was some misunderstanding. It is significant to remember that the union had given an application for the production of the documents about the order of dismissal of Shri Sirmukkadam and the decree passed against him. The management wanted to examine him as witness. He would be cross-examined and during the discussion on 13th March, 1968, when the Tribunal observed that if the enquiry was not proper the Tribunal had jurisdiction to reopen the enquiry Shri Sirmukkadam had agreed to reopen. It is significant to remember that by their application, dated 8th March, 1966, when they had requested the Tribunal to consider the preliminary question about the fairness of the enquiry they had in the alternative contended that they wanted to lead additional evidence before this Tribunal if the finding on the preliminary issues were against them and in fact it was agreed on behalf of the management to reopen the enquiry. But later the management resiled from agreement to reopen the enquiry. However, I do not think that this circumstance will be sufficient to hold that Shri Sirmukkadam was not a fit person to hold the domestic enquiry against the workman.

34. It has been argued on behalf of the union that during the course of the domestic enquiry Shri Sirmukkadam though a judge himself acted as a prosecutor. Shri Chaubal who was representing the management did not examine the witnesses but it was the enquiry officer who put questions to the witnesses against the workman and this shows that he was interested. It appears from the evidence of Shri Chaubal that he was representing the management in the enquiry and Shri Sirmukkadam has specifically stated in the enquiry papers that Shri Y. N. Chaubal, Head Clerk was representing the management. Shri Chaubal has been examined before me and he has admitted that he was representing the management. He did not examine any witness and it is also clear from the evidence of the other witnesses that it was the enquiry officer Shri Sirmukkadam who put questions and examined the witnesses and it may give an idea that the enquiry officer had done the work of the prosecutor. However, the domestic enquiry is not a criminal trial and the mere fact that the enquiry officer put questions to the witnesses instead of the representative of the management will not render the enquiry illegal or improper. It may at the most show a special interest taken by the enquiry officer and will not vitiate the same.

35. Dr. Kawadkar has argued that Shri Sirmukkadam was in the employ of the company. He had also worked as a labour officer of the Ghugus colliery and when he acted as Assistant to the Personnel Officer he was representing the management in conciliation proceedings and court cases and was interested. It has been further argued that Shri Sirmukkadam has not also recorded the presence of the Manager, that the manager Shri Athavale was personally present at the time of the evidence of the witnesses in the hall of the dak bungalow but the enquiry officer has purposely omitted his name from the persons present and this also shows that he had no *bona fides*.

36. It is true that Shri Sirmukkadam was working as a labour officer in the Ghugus colliery and it is also not in dispute that he was representing the management in conciliation cases. It is clear from the exhibit W-9 record of the conciliation proceedings dated 23rd September, 1963 that Shri Sirmukkadam was representing the management before the Conciliation Officer Shri B. D. Sharma and has signed the conciliation proceedings and it would have been proper had the management appointed somebody else to hold the enquiry. It is clear from the evidence of the five witnesses that the Manager of the Ghugus colliery Shri Athavale was himself present in the dak bungalow when the enquiry was held. Witness EW-5 (Misal Bhanayya) in his evidence has stated:—

“There were for the enquiry the Manager Shri Athavale, Labour Officer Ghosal, Shri Chaubal and Shri Sirmukkadam.”

Shri Athavale was present and the enquiry officer should have stated that the management was represented by the Manager Shri Athavale instead of Shri Chaubal and there is much substance in the contention of the union that the omission on the part of the enquiry officer to state the presence of the Manager during the enquiry is very significant.

37. It is argued that the presence of the Manager Shri Athavale has been purposely omitted to show that the witnesses were not influenced and the enquiry officer was not biased. I have already stated that Shri Kawadkar has mentioned that Shri Sirmukkadam was the representative of the management and the circumstance that he omitted to mention the name of the Manager shows that he has purposely dropped the presence of the Manager from the enquiry and gives rise to suspicion about the *bona fides* of the enquiry officer. Leaving aside these circumstances about the conduct of the enquiry I am inclined to accept the contention of the union that the enquiry officer had finished the enquiry hastily without applying his mind to the allegations or considering the evidence and the management had pre-planned to remove Shri Hamid Khan from service and the enquiry officer was a tool in the hands of the management.

38. Dr. Kawadkar has invited my attention to the findings of the enquiry officer. The management has produced all the enquiry papers in one file of 43 papers. This file does not contain any of the letters mentioned in the charge-sheet and it is clear that the various letters on which the charges were based were not even before the enquiry officer while in the findings the enquiry officer has tried to suggest that all the documents were before him. He has observed:—

“It is evident from the dates of the letters and reminders issued to Shri A. Hamidkhan as well as the dated acknowledgement of these letters personally verified by me that Shri A. Hamid Khan has not taken any cognisance of these letters and reminders for more than last seven years to improve his method nor had he furnished any explanation.”

The suggestion on behalf of the management that the documents must have been produced does not stand to reason and cannot be believed. It is clear from the application in this Tribunal on 1st February, 1966 that the enquiry proceedings consisted of only 43 pages referred to in the file. In the application it has been stated:—

“We are enclosing herewith complete file of the domestic enquiry proceedings against Shri Hamid Khan as per list enclosed.”

This clearly shows that the documents referred to in the chargesheet were not before the enquiry officer and the circumstance that he has made a reference to them shows that he might have seen them after the enquiry. Thus he has relied on documents which were not a part of the enquiry or the statement made is incorrect and it shall have to be held that the procedure followed was not proper.

39. It has been argued by Dr. Kawadkar that the workman was an active trade union worker and the management wanted to remove him because of union activities. In the beginning before the year 1960 he was a member of the

Colliery Mazdoor Seva Sangh. His brother Ibrahim Khan was the Secretary of that union and after his demise the Maharashtra Colliery Workers' Union was formed. Dr. Kawadkar was the Secretary and since its inception Shri Hamid Khan was an active member and hence he was an eye sore to the management and they tried to remove him from service serving him with charge-sheets and there are no *bona fides* on their part.

40. It is not in dispute that the brother of Shri Hamid Khan was the Secretary of the Colliery Mazdoor Seva Sangh before 1960 and after his demise the new Maharashtra Colliery Workers' Union was formed in the year 1961. I have already quoted the evidence of Shri Chaubal who has stated that the workman Hamid Khan is a member of the Maharashtra Colliery Workers' Union and there were a number of disputes raised by this union. It is further clear from the evidence that the Maharashtra Colliery Workers' Union had taken the case of the wagon loaders and had succeeded and there is no reason to disbelieve the evidence of Shri Hamid Khan who was the loading clerk that he was an active member of the union and it is not unlikely that the management had not liked his activities.

41. The evidence shows that in his long service of 35 years there was no disciplinary action against him. It was during the last period of a year and a half the management had taken three disciplinary actions against this workman. In the first two cases he was charged for the misconducts of habitual negligence and neglect of work, pending letters etc., and in the third he was charged for causing monetary loss to the company for extra employment of wagon loaders. The circumstance that within such a short period the workman is being charge-sheeted thrice supports the contention that the management is after the workman and there appears to be much substance in the union's contention that the workman was an eye sore. This reference will be further corroborated from the circumstance that the management had in the month of December 1964 tried to remove this workman from service on the ground of superannuation. The management got him examined by the colliery doctor and he certified that the workman was not fit to work as a weight clerk. He has further in the certificate dated 3rd December, 1964 stated about his senile debility and eyesight. The doctor is not examined and I am unable to agree with the certificate. The workman was examined before me twice—once in 1968 and the second in 1969. He was cross-examined at great length. He could read even the paragraphs from the law reporters. He attended the enquiry coming all along from Nagpur and I find much substance in the union's contention that the certificate does not represent the true state of his health.

42. After the examination by the colliery doctor the management sent him to the Civil Surgeon, Chanda. Exhibit W-15 is a letter dated 7th December, 1964 by the Manager in which he has observed :—

"Since we have observed that you are unfit to carry out your duties and also you are above 60 years of age, you are hereby required to produce at your own cost, a certificate from the Civil Surgeon, Chanda, regarding your physical fitness."

It is clear from the written statement of the management that according to their record Shri Hamid Khan was 57 years of age. They have stated :—

"It is admitted that according to the registers of the company the age of Shri A. Hamid Khan is 57 years. It is, however, denied that his actual age is 57 years."

It is not in dispute that according to the award in Ref. No. 1 of 1967 the age of superannuation was revised and the standing orders were amended and the superannuation age is 60, and when the record of the company showed that Shri Hamid Khan was 57 years of age it was for the management to prove that he was 60. They have not produced the report of the Civil Surgeon, Chanda and this shows that the report was unfavourable to the management and he was physically fit and this is clearly an attempt on the part of the management to remove him from service.

43. Regarding the charge of corruption and the domestic enquiry Dr. Kawadkar has argued that it was significant to note that Shri Athavale the Manager wrote the letter exhibit W-15 asking the workman to produce evidence of age and it is about that very time the management received the complaint on which the workman was charged. It is contended that the management engineered a false complaint about corruption against the workman in December, 1964. The management knew that the usual charges of habitual negligence of work and neglect of

duty will not be sufficient to remove Shri Hamid Khan and hence they deliberately got a complaint of corruption and engineering the whole affair produced witnesses and the farce of the enquiry. All the charges are false and the order is illegal.

44. I have already observed that by the consent order dated 13th March, 1968 the enquiry was reopened and both the parties were permitted to lead evidence to support their contentions about the misconducts and accordingly the management had examined the Head Clerk and five witnesses and the union has examined the workman Shri Hamid Khan. I have found that the workman was not given a real opportunity to meet the case against him and the enquiry is defective and in view of the evidence the scope of the enquiry has been enlarged. It has been held in the ruling reported in 1963 II LLJ 452 (Khardah and Company Limited, and its workmen):—

"It is well settled that if the enquiry is held to be unfair the employer can lead evidence before the tribunal and justify his action but in such case the question as to whether the dismissal of the employee is justified or not would be open before the Tribunal and the Tribunal will consider the merits of the dispute and come to its own conclusion without having any regard for the view taken by the management in dismissing the employees. If the enquiry is good and the conduct of the management is not *mala fide* or vindictive, then the tribunal would not try to examine the merits of the finding as though it was sitting in appeal over the conclusions of the enquiry officer."

As the enquiry has been reopened I shall discuss the evidence led by parties. The workman was charged in all for five misconducts:—

21(1) In-subordination, or disobedience, whether alone or in combination with another or other of any lawful or reasonable order of:—

and the enquiry officer held him guilty of all the charges. In the dismissal order dated 19th January, 1965 the Manager Shri Athavale has written to the workman:—

".....You have been found guilty of the following misconduct under the Standing Orders:—

S.O. 21(1) In-subordination or disobedience whether alone or in combination with another or others or any lawful or reasonable order of a superior.

S.O. 21(3) Taking or given bribes or any illegal gratification whatsoever.

S.O. 21(17) Habitual negligence or neglect of work.

S.O. 21(21) Acceptance of gifts from subordinate workmen and/or illegal gratification from anyone.

S.O. 21(27) Habitual breach of any rules, regulations or standing instructions of the Manager.

As a result of the findings of the Enquiry we have been directed to dismiss you with immediate effect. You are hereby dismissed forthwith."

45. From this letter it is clear that the enquiry officer has held that all the charges levelled against the workman were proved against him. In all these charges the charge about taking of bribes and illegal gratification is the most serious charge and the enquiry officer has also first discussed the evidence about this charge and I shall also deal with the evidence about it.

46. The Head Clerk Shri Chaubal has no personal knowledge about bribes or illegal gratification and has merely stated that the management received the complaint application and in support of their case about corruption the management has examined five witnesses (1) Shri Damodar Chintaman (2) Shri Agdar Mallaya (3) Shri Anandrao Sakaram (4) Shri Misal Bhanayya and (5) Shri Raghav Sambha, and these five witnesses have stated that they were temporary wagon loaders working in the Ghugus Colliery. Shri Hamid Khan was the weight clerk. They have stated in their examination-in-chief that they could get work only when Shri Hamid Khan was paid and each of them was giving Re. 1/- and thus the five persons in the gang were giving him Rs 5/-. They have further stated that the money was paid wrapped in paper and that they had given the complaint exhibit E-1 against him and the question is whether the evidence of these witnesses should be believed.

47. All these five witnesses are illiterate and ignorant villagers working in the colliery and appear to have been brought to give a set story about the acceptance of the bribe. The charges made are very vague and can easily be made against any weight clerk. These witnesses appear to have been tutored a few facts and

could not stand the test of cross-examination. Had their story about the demand of bribe by Shri Hamid Khan and harassment been true they would not have failed to speak about it to others or to make a complaint against him long before. It is clear from the evidence of Shri Chaubal himself that this was the first and only complaint against the workman. Shri Chaubal has stated:—

"The application about corruption by Shri Hamid Khan about which I have stated in examination-in-chief was the first complaint received against Hamid Khan about his corruption."

I have already stated how the management had taken disciplinary proceedings for negligence etc., against the workman during the period of a year and a half; and had the story about the bribe money being given wrapped in paper been true the management would not have failed to get the workman trapped with the help of the police and these circumstances are clearly inconsistent with the case of the management that the workman was taking bribes and harassing the workers.

48. It is significant to remember that all the witnesses were temporary workers at the time that Hamid Khan was the weight clerk and a short time after the enquiry they were made permanent. It is also clear from the statements made by them on oath that they are interested in giving evidence against the workman and that they have been paid by the management. Shri Raghav Sambha EW-6 has stated:—

"All the witnesses were temporary before the dismissal of Hamid Babu and they were made permanent after his dismissal. Each of the witness is given Rs. 175/- for expenses for going to Bombay for evidence this time. Last time each of us was paid Rs. 150/- for going to Bombay for evidence. We have not given any application for advance."

The very fact that the management has paid such big amounts to these ignorant and illiterate villages is sufficient to discharge their evidence totally. Witness Anandrao Sakharam EW-5 has admitted the receipt of an amount of Rs. 150/- to Rs. 175/- but has stated that he had come to Bombay in this case and had spent his own money and taken advance from the company. He further stated that he had attended the Court because he had received the summons for the case. In fact no summons has been issued and these statements show that the witnesses being ignorant can be persuaded to make any statement and have no regard for truth.

49. The inconsistent statements made by these witnesses in respect of the complaint application also support the union's case that the management had obtained the complaint against the workman.

50. The complaint exhibit E-1 is subscribed by 50 workmen out of whom 46 have put their thumb impressions and the first four appear to have signed their names. A look at this document will show that somebody has written the complaint application and the same person has written down the names of about 48 signatories and subsequently thumb impressions are made in front of each of the names. The management has not examined either the person who has written this application or any signatory out of the four. I have already observed that all the five witnesses are illiterate. Still all of them have stated that this application was written by Sadashiv Ganpat who was wagon loader working with them and it is clear from the evidence of Shri Misal that Sadashiv Ganpat is still in service with the company and it is not known why he was not examined. Some of the witnesses have stated that the complaint was written by Sadashiv when they were in the siding and all the 40—50 persons were present. However, EW-6 has stated that the complaint was written in the night in the light of a chiragi lamp and the thumb impressions were taken at that time. This witness has further stated that some of the thumb impressions were made out of the chiragi lamp soot instead of ink. The witness Damodar has stated that the complaint was written in the Ghugus bungalow in the presence of Nagpurwalla Sahib and these contradictory statements clearly show that these ignorant witnesses did not know anything about the complaint. They are not also able to show that they have made the thumb impressions. It will not be possible to identify which particular thumb impression was made by them and the thumb impressions appear to be taken by the same ink and the evidence clearly shows that the witnesses are ignorant about the writing of the complaint.

51. I have already stated that according to the witnesses' statement the complaint is written by Sadashiv Ganpat. The complaint application exhibit E-1 is written in Marathi. There are also English words "permanent" "temporary" on the first page of the letter as also the words "P.T.O.". From the evidence of

Raghav Sambha it is clear that Sadashiv Ganpat does not know English. He has further stated that even in vernacular he has studied upto third standard and considering the good handwriting in the complaint application it is difficult to accept the evidence that it is written by Sadashiv Ganpat. The complaint also bears the signature of Sadashiv Ganpat which supports the evidence of the witnesses that he had studied only upto third standard and it is difficult to believe that he has written the complaint. It appears that the complaint has been written by somebody else and some persons have made thumb impressions on it.

52. The evidence about the circumstances as to how the management came in possession of this complaint is also very significant and telling. The Head Clerk Shri Chaubal has made inconsistent statements in respect of this complaint. He has stated once that the Manager had received an application signed by 50 workers against him (the workman) regarding his demanding money. But in his cross-examination he has stated that he himself received an application dated 12th October, 1964 but he did not remember the date on which it was received, and he himself put up that application to the Manager. In his reply to the Court's question he has stated :—

"It (the complaint application) was sent to the Manager. Ghugus by our Head Office at Nagpur."

As regards the evidence of the alleged subscribers of this complaint, the witnesses have stated that after the written complaint application was written it was handed over to the Manager at the Ghugus Colliery. Witness Damodar Chintaman EW-2 is definite that they had not sent the complaint application for bribe by post but was written in the Ghugus bungalow and was handed over to the Manager. Shri Anandrao Sakaram EW-4 has stated :—

"The complaint was written by Shri Sadashiv Ganpat. This complaint was handed over to Shri Athavale."

These contradictory statements regarding material particulars in my opinion clearly show that the witnesses are telling a false story and the manager must have managed to get the complaint application.

53. It is true that the incident took place before about five years and the witnesses are ignorant. However, making every allowance for the circumstances there is absolutely no reason why there should be contradictory statements about the writing of the complaint and signing it. Had the complaint been received by the Head Office it would have definitely borne the Head Office seal or endorsement or there would have been a covering letter when forwarding it to the Ghugus Colliery and this also supports the union's contention that the management at Ghugus engineered it and obtained it deliberately. I have already discussed the evidence of the five witnesses. They have absolutely no regard for truth. It appears that they have given evidence because of the influence of the management. They were temporary loaders and were made permanent subsequently. They are also given money by the management to come to Bombay for giving evidence and their evidence does not deserve any consideration. Considering the circumstances and reading between the lines it supports the union's contentions that the management obtained the complaint with a view to charge the workman with a serious and grave offence to justify their intended action of dismissal.

54. I do not think it necessary to discuss the evidence about the other charges levelled against the workman in detail. The workman was charged for the offence of habitual negligence and neglect of work and habitual breach of rules. The workman has admitted in his evidence before me that he had received the various letters in respect of delay but he has further stated that he had given replies to every letter and had explained the circumstances how the work was heavy and the staff inadequate. It is clear from his evidence that at Ghugus Colliery there are two railway sidings for wagons and the distance between the two sidings is about a mile. Though the management has denied the large volume of work for the weigh clerk at this colliery and Shri Chaubal has given the number of wagons at 20 or 25 per day it is clear from the other evidence that the turnover of wagons in both sidings was about 38 to 40 per day. Some wagons were open some were closed. The open wagons were filled below the tippler while the closed wagons were to be filled in by bringing the coal from the stocks. The railway was supplying wagons in the evening at about 9 P.M. sometimes about 10 P.M. and the weigh clerk had to take the number and other details of the wagons in the diary maintained by him. He had to enter the wagon and mark the level of the wagon with a chalk. It was the first duty of the weigh clerk to separate the open wagons from the covered wagon with the help of wagon loaders. The open wagons were to be kept ahead and the covered wagons were to be kept at the back side, and

the weigh clerk had to give the loading work of both the open and the closed wagons to the loaders and had to supervise the work of loading.

55. Shri Hamid Khan had to attend to the work of loading on both the sidings. Sometimes there were short supply of wagons and sometimes there were sick wagons and he was required to take instructions from the Manager. He was required to do the work of preparing consignments invoices monthly returns. He was also required to attend to the Court work. He was also required to do the work of distribution of R/Rs of the wagons. It was also his duty to approach the railway authorities in all respects and was required to do office correspondence, cost sheet and weight return. He was required to supervise the supply of coal to the workers and he has stated that for doing all these duties he was required to do work for about 13 to 14 hours a day.

56. The letters written by Shri Hamid Khan in reply to the letters of the Manager also support the evidence of Shri Hamid Khan that the workload expected of him was too heavy for him and his staff and the delay caused in correspondence cannot be attributed to negligence. It is significant to remember that Shri Hamid Khan had twice or thrice made a complaint to the management to give him additional hands but no attention has been paid to his complaints. On the contrary the clerk who was given to help him was taken away. It is clear from the evidence of Shri Chaubal that in the Ballarpur Colliery the staff for wagon loading consists of inspectors, wagon supervisors, shell pickers and wagon pushers. Shri Hamid Khan has stated in his evidence:—

“There was neither any chaprasi or peon to help me. I had no coal inspectors, no wagon supervisors, no shell pickers. The shell pickers do the work of removing stones, shells, earth lumps etc.”

However, it is clear from the evidence that in the Ballarpur Colliery there was an inspector, three assistant inspectors, two clerks, shell pickers, coal inspectors and wagon pushers and chowkidars and considering the evidence there is much substance in the contention that at Ghugus Colliery the staff for the loading department was not adequate. The clerks Shende and Gulab were helping him in the office work and supervision work and for the mistakes committed by the clerks Shri Hamid Khan was held responsible and had received the letters from the Manager. The clerks were never charge-sheeted nor any action was taken against them.

57. I have already observed that the first charge-sheet against the workman is dated 26th October 1962. It appears from the record that at that time he was charged for habitual negligence of work and neglect of duty. Had the management in fact really considered him to have been negligent in the discharge of his duties from 1958 I do not think that they would have failed to charge him for those acts of negligence in the first charge-sheet. Shri Sirmukkadam has argued that the workman has admitted the charge of neglect and habitual negligence and the management has established that misconduct in that respect. I do not think that the statements of the workmen amount to admission of guilt of habitual negligence. The mere fact that he admits the delay does not mean that he admits the charge and he has explained the cause of the delay. The enquiry report of Shri Sirmukkadam itself shows that he has not at all considered the defence of the workman. He has also not even referred to the defence theory and I do not think that it could be held that the workmen has committed the misconduct of habitual negligence and habitual breach of rules and regulations.

58. Dr. Kawadkar has argued that Shri Hamid Khan was a competent worker and had satisfied his superiors and also obtained certificates from them about his work and it is only after 1960 or so till 1961 when he took active part in the union activities his relations with the management were strained and the Manager started writing to him insulting letters. Along with the written statement of claim the union has produced annexures 1 to 6 which speak about the satisfactory work of the workman. It will appear from these annexures pertaining to the period 1948 to 1956 that the management was pleased with the work of Shri Hamid Khan. In the endorsement by the Manager of the Colliery below the application of Shri Hamid Khan annexure 3 the Manager has stated that his work was satisfactory. Similarly below his application for grade and increment Shri Chaubal has in his endorsement dated 3rd June 1952 stated that he has pleasure in bearing testimony to the work and conduct of Shri Hamid Khan and that his case deserved greatest consideration. In a letter W-6 dated 9th June 1952 to the

Superintending Engineer Shri J. N. Singh, Manager of the Ghugus Colliery has stated:—

"Uptil now it has been a case of justice too much delayed but certainly we should not make it as justice denied. About his work etc., I have to say that not only he knows and does his job (which by the way is a combination of so many such as weigh clerk, loading supervisor, railway liaison etc., well and to our entire satisfaction but he is also our railway expert when it comes to dealing with railway staff regarding various types of wagons and their peculiar restrictions and then he is a hard nut to crack."

Similarly in the confidential letter dated 24th October 1966 exhibit W-7 Shri R. T. Deshmukh the Manager of the Ghugus Colliery has stated:—

"He (Shri Hamid Khan) has been working satisfactorily and we would recommend a suitable increment to him. Considering the salary that is being drawn by pay clerks and bonus clerks who are equally senior to him and also considering the amount of work-load that he is carrying and the salary allowed to his counter-part in the sister collieries we would think, a basic salary of Rs. 74 would be suitable."

Even the Head Clerk Shri Chaubal has in his letter dated 15th September 1962 referred to the co-operation extended by Shri Hamid Khan to him and the evidence shows that the work of Hamid Khan was satisfactory and the management was pleased. Shri Chaubal has in his evidence before me also stated about the high opinion the management was entertaining about him. He has stated:—

"It is correct to say that I had been to Kothagudem and had met Shri Sahasrabudhe the previous Manager. I know that Shri Sahasrabudhe had a high opinion about the work of Shri Hamid Khan."

And considering the conduct and quality of work of Shri Hamid Khan these days it is difficult to believe that he would turn to be negligent.

59. Shri Hamid Khan has clearly explained about the delay in the correspondence and the statements. He had denied that he had two or three hours at his disposal without work and has stated that he had made representations for giving him more staff many times but no additional staff was given and has also explained his duties and the types of his work. He has stated:—

"My work was of two types—one was office work and the other was outside work. All the letters referred in the charge-sheet are in respect of office work, i.e. writing work. I had never received any letter regarding complaint of my outside work. As the outside work was more important involving finance of the company I had to pay more attention to it and I was giving proper attention to it. The office correspondence used to be sent to the Nagpur Head Office whereas the outside work involved money. R/Rs. were also sent immediately. Regarding the office work I had made reports to the management several times but no attention was paid and additional hand was not given."

He has again stated:

"I made reports for giving me more staff many times. But no additional staff was given to me. I had requested the management to transfer me from this department to other department but there was no reply and I was not transferred."

60. This evidence of Shri Hamid Khan is corroborated from the various letters and the evidence of Shri Chaubal. Shri Chaubal has also stated:—

"It is correct to say that after 1956 the worker Hamid Khan had given application making a grievance about the extra work load. Shri Hamid Khan in addition to his loading section duty was given some incidental duties but I do not remember."

Regarding the explanations about the delays Shri Chaubal had pretended ignorance whether Shri Hamid Khan had given explanation for the delays when submitting the report but when he was shown the various documents he had to admit that Shri Hamid Khan had given the reasons. He has stated:—

"I do not remember if Hamid Khan had given reasons for the delays in submitting the reports, statements from 1958 to 1964. I am shown annexure No. 8 dated 20th November, 1959. On seeing the annexure I remember that Shri Hamid Khan had given the reply regarding the

delay. On seeing the letter I remember one clerk Shri Sukhdev was taken away from the loading Deptt.....I do not remember if these grievances of Hamid Khan were either fulfilled or redressed."

In his letter dated 3rd July, 1961 Shri Hamid Khan had given an idea to the management about the necessity of assistance and explained the reasons for the delay. In this letter exhibit W-13 he has stated:—

"I have already explained.....that pending work could not be cleared unless you arrange for a proper man for full time work because for completing our routine work all our time is spent.

It has to be noted that I have not to do only clerical work. I have to look after many other things such as loading supervision, siding work, distribution of work to gangs, stock measurement etc. For doing such works our sister collieries have sufficient staff so that weigh clerk can get much time for doing clerical work. Such is not the case at Ghugus Colliery. Simply for finishing our daily routine job, we have to work 2-3 hours extra every day.

To cut short the work of cost sheet and other statement can be done in time if 3 Assistants are given to me. By the way, I wish to bring to your notice that there is no experienced hand here for my department. I will be highly obliged if any good worker is sent from Ballarpur."

61. In spite of these suggestions and requests the management has not taken any steps for assistance and naturally there was delay in the correspondence. He asked for the assistance of three clerks but no clerk was given to him. It is further significant to note that in his letter dated 24th September, 1964 exhibit W-14 Shri Hamid Khan had asked for specific instructions but no instructions were given to him and I do not think that the workman can be held responsible for the irregularities caused. Considering the evidence it shall have to be held that the grievance of Shri Hamid Khan about inadequacy of staff was genuine.

62. Shri Hamid Khan was dismissed from service on the 15th January 1965 and the management had to entrust the work to Shri Basarkar who was grade 1 clerk at Ballarpur Colliery. Shri Hamid Khan has stated:—

"I was dismissed within 12 hours and there is no question of my working for some days after the enquiry. Shri Shende took charge from me. At present one Shri Basarkar of Ballarpur is working in my place. He might have joined after 15 days of my dismissal. Shri Basarkar has got many assistants and a bigger staff. He has with him for office work Shri Agarwal and Gadre and he has also Tiwari, Kulkarni, Yardi, Shende, Sontake. He has also a peon. There is also a mate for the supervisor. There is also a gang of shell pickers, wagon pushers, sabalwallas (wagon pushers)".

Thus it will be seen that after the dismissal of Shri Hamid Khan when Shri Basarkar was appointed as weigh clerk Ghugus Colliery he was given so much additional staff to cope with the work and it is difficult to accept the management's contention that the delay and the irregularities were due to negligence on the part of the workman.

63. It is significant to remember that though Shri Hamid Khan was complaining about heavy work the management instead of giving him assistance had entrusted him with additional duties which had in fact nothing to do with wagon loading. It will appear from the order W-3 dated 27th September, 1961 that the duty of supplying coal to the workers and keeping accounts of the same was entrusted to Hamid Khan. It has come in evidence that in the Ghugus Colliery there were about 1000 workers and by exhibit W-3 the Manager asked Shri Hamid Khan to carry out the several duties. He was required to open a register which will show every month the names of persons to whom coal is supplied. He was required to take signatures of the persons. He was required to prepare a bill in triplicate showing therein the total quantity of the coal supplied. He was to check the bills and the quantity entered in the register and certify the bill's. For carrying out the work mentioned in this order I do not think that even one full time clerk will be able to do the same. All the 1000 workers would need coal and considering the number of entries required to be made it shall have to be held that the management instead of giving assistance to the loading department they were imposing additional duty and increasing the responsibility. It is significant

to note that in this connection when the Head Clerk Shri Chaubal was cross-examined by Dr. Kawadkar he has stated:—

"It is correct to say that Shri Hamid Khan was given the work of verifying the supply of coal and prepare bills, etc., as stated in Ex-W-3. I have spoken about the letters from the year 1958 in examination-in-chief and it is the management who was charging Hamid Khan for negligence. I was not charging him."

It is clear from this statement that the workload of Shri Hamid Khan was very heavy. The management did not provide him with the additional hands asked for by him and it shall have to be held that the management has failed to prove that the workman was habitually negligence and was neglecting work.

64. I have already quoted the dismissal order which mentions the five charges levelled against the workman. The order says that the enquiry officer who conducted the enquiry had found him guilty of five charges. The enquiry papers include the finding (the report) of the enquiry officer. I have gone through it. However, out of the five charges I do not find any discussion about three charges (1) insubordination or disobedience (2) acceptance of gifts from subordinate workmen etc. (3) Habitual breach of rules regulations etc. The whole discussion is in respect of taking or giving of bribes and habitual negligence. There is also no evidence about insubordination or acceptance of gifts from subordinates or habitual breach of rules. I had by my order dated 18th September, 1969 rejected the management's contention for correcting the consent order and directed both parties to lead evidence in support of their contentions. The first charge sheet was a long document and the workman had contended that it was confusing. Shri Kumar the representative of the management was asked to redraft the charge properly. At that time Shri Kumar while drafting the charge-sheet dropped the charges regarding insubordination under standing order 21(1) and acceptance of gifts from subordinates under 21(2) and has fairly conceded that the management did not want to proceed in those cases. This also shows that there was absolutely no material for the two charges about insubordination and acceptance of gifts from subordinates. I have discussed the evidence and have found that the management has not proved the charge of taking bribes. On the contrary the circumstances and evidence showed that the charge is false and this in my opinion is sufficient to come to the conclusion that the order of dismissal is illegal and improper. Shri Sirmukkadam on behalf of the management has argued that the record clearly established the misconduct of habitual negligence and if out of the various charges one is proved the dismissal order shall have to be maintained.

65. I do not think that this submission can be accepted as it is clear from the dismissal order that the management has imposed the punishment of dismissal upon the workman as he was guilty of all the five charges levelled against him, and if in the enquiry it is found that the workman is not guilty of some of them he will be entitled to get the order set aside. It has been held in the ruling reported in 1963 II LLJ 60 in which a workman was charge-sheeted on three counts and was dismissed from service and the Industrial Tribunal adjudicating the dispute had found that two of the charges against the concerned workman could not be sustained and when considering the third charge set aside the order of dismissal their Lordships of the Madras High Court upheld the award of the Tribunal and dismissed the writ appeal and His Lordship Ramachandra Ayyar C.J. has observed:—

"It was unnecessary to consider whether the third charge has been made out or not. Admittedly the punishment meted out by the management on the concerned workman was a consolidated one on the footing that all the three charges have been proved. When once it is seen that two of the charges could not be validly sustained against the worker it would follow that the punishment could not be sustained."

I have already observed that the management itself did not want to lead evidence about two charges. I have also found that the charges are not proved. Under the circumstances the workman is entitled to get the dismissal order set aside.

66. I have found that the domestic enquiry held by Shri Sirmukkadam was defective. The delinquent was not given a reasonable opportunity to meet the case against him. The procedure followed was not proper. The enquiry officer was also influenced by extraneous circumstances. I have also held that the management have not proved the charges levelled against the workman and the dismissal of the workman cannot be held to be justified.

67. Dr. Kawadkar on behalf of the union has argued that the dismissal order should be set aside. The dismissal is not justified and the workman is entitled to be reinstated with back wages and compensation.

68. The dispute has been referred to this Tribunal by the order dated 30th July, 1965 and by the order the Tribunal is required to decide whether the dismissal order was justified, if not to what relief is he entitled. When the finding is that the dismissal order is not justified ordinarily the relief should be that of reinstatement. However, this is a peculiar case and the ordinary relief cannot be granted in this case.

69. I have already discussed about the superannuation age of the employees in this colliery and that they retire at the age of 60. The management has not shown that in the month of December, 1964, the workman was 60. Admittedly according to the record his age was 57 and he would have been entitled to remain in the service of the colliery till December 1967, on which date he completed the age of 60. About five years have elapsed after the dispute was referred to this Tribunal. Today the workman is more than 60 and hence I do not think that reinstatement will be an appropriate relief and in my opinion an order awarding compensation will meet the ends of justice.

70. I have already held that the order of dismissal is illegal and improper. The workman will be deemed to be in the employment of the company till superannuation and hence he will be entitled to get the amount of salary and allowances from the 15th January 1965 till he completed the age of 60 years together with the retiring benefits as on ordinary relief. I have discussed the evidence and circumstances and have found that the whole affair of the domestic enquiry smacks of *mala fides* and the workman will be entitled to compensation. There is no question of financial incapacity of the management that paid heavy amounts to the ignorant witnesses and I think the management be further directed to pay to the workman compensation equivalent to two years' wages.

71. As regards costs, the reference is pending for the last about 4 years. The workman who is a man of advanced age had to come to Bombay all along from Nagpur. He was present on almost all the days of the hearing and considering the lengthy proceedings I think an order for costs of Rs. 300 will meet the ends of justice.

The workman will be entitled to get the compensation as stated above and costs of Rs. 300 and hence my award accordingly.

(Sd.) A. T. ZAMBRE,
Presiding Officer,

Central Government Industrial Tribunal, Bombay.

[No. 5/12/65-LR. II.]

S.O. 353.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Messrs Equitable Coal Company Limited, Post Office Dishergarh, District Burdwan and their workmen, which was received by the Central Government on the 16th January, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

REF. No. 78 OF 1969

PARTIES:

Employers in relation to the management of Messrs Equitable Coal Company Limited.

AND

Their Workmen.

PRESENT:

Shri B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Employers.—Sri A. K. Mathur, Administrative Officer.

On behalf of Workmen.—Sri Nikhlesh Das, Advocate.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/42/69-LRII, dated September 16, 1969, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following industrial dispute between the employers in relation to the management of Messrs Equitable Coal Company Ltd., and their workmen, to this Tribunal, for adjudication, namely:—

"Keeping in view the relevant recommendations of the Wage Board for Coal Mining Industry as accepted by the Government of India, whether the management of Messrs Equitable Coal Company Ltd., Post Office Dishergharh, District Burdwan, was justified in demanding from 15th August, 1967 proof for travelling in the higher Railway classes in the form of money receipt etc. from their workmen employed at their various collieries, who were entitled to higher class of train fare and thereby denying payment of Rail fare of higher classes to such of their workmen who failed to render such proof? If not, to what relief are these workmen entitled?"

2. Both the workmen and the management filed their respective written statement. Neither party, however, did file any document nor lead any oral evidence. The management in their written statement did not deny that they were insisting upon proof of travel in a particular class before passing the railway fare for that class. The material statements in their written statement are set out hereinbelow:

"5. With reference to the statements made in paragraph 3 of the Written statement, the management states that the recommendations in respect of the Railway fare have duly been implemented and submits that the management is within its rights to insist on proof of actual travel in the class to which the workman is entitled to.

6. With reference to the statements made in paragraph 4 of the Written statement, the management states that it is imperative that no employee should take advantage of the position to claim railway fares when he has either not proceeded on leave or has travelled by a lower class than that to which he is entitled and in that context, to implement the letter and spirit of the Wage Board Recommendations the management insists on proof in the shape of money receipt, certificate from Railway authorities, reservation slips, etc and that only in respect of travel by 1st class, from workmen, entitled thereto."

3. Insistance on production of evidence appears to have been made in respect of First class travellers by railway because they submitted the fattest bills. This being the position, I have to see whether the management should insist upon production of evidence or proof of travel in a particular class, before passing the bill for the journey undertaken. In respect of railway travels, it is said, they were insisting upon money receipts. The Railway Rule for obtaining money receipts has not been produced before me. I shall, however, proceed on the theory that such receipts are obtainable from the railway administration. The question before me is not the availability of such receipts but the right of the management to insist upon production of such receipts. The relevant provisions in the recommendations of the Wage Board are set out hereinbelow:

"33. As regards the claim that railway fare should cover bus and boat fares, the Majumdar Award has already directed that where is the journey home is by bus or partly by bus and partly by train the cost of journey shall be accordingly adjusted. This has been incorporated in the Model Standing Orders for the Coal Mining Industry. We would further recommend that railway fares should include boat fare wherever payable.

34. There is one other matter which we have to deal with. The classes by which the workmen are entitled to travel home while on leave is determined on their present basic pay which as laid down in the Model Standing Orders, for the Coal Mining Industry is as follows:—

- | | |
|--|-----------|
| (i) If his basic wage is Rs. 70 p.m. or less | III class |
| (ii) If his basic wage is more than Rs. 70 p.m. but less than Rs. 150 p.m. | II class |
| (iii) If his basic wage is Rs. 150 p.m. or more | I class |

As has been stated in an earlier chapter of this Report we are consolidating the wages of the workmen at index No. 155 which has increased the basic wages of the workmen substantially. Therefore, as a necessary consequence, we will have to make suitable adjustments in these salary slabs. We have carefully considered this matter and recommend as follows:

"If the workmen's basic wage is Rs. 165 or less per month	III Class
If the workmen's basic wage is above Rs. 165 and up to Rs. 265 p.m.	II class
If the workmen's basic wage is above Rs. 265 per month	I class"

The inspiration was certainly drawn from the Majumdar Tribunal Award (as appears from page 129 paragraph 27 of the recommendations of the Wage Board). There is nothing in the recommendations of the Wage Board which entitles the management to insist upon production of proof of railway fare paid.

4. Mr. Mathur, appearing for the management, contended that the recommendations of the Wage Board were meant to be utilised and not to be abused. He further contended that there were instances where workmen took leave on the false pretext of going home, never travelled but earned some extra money by merely submitting a bill of railway fare. He, therefore, submitted that this abuse should be discouraged. I broadly agree with Mr. Mathur that all abuses are to be discouraged but there are ways and means of discouraging them. There may be some dishonest men amongst the workmen, but it cannot be a general proposition that all workmen are dishonest men and whosoever applies for home leave is likely to present a false bill of railways fare. If the management suspects that any workman is likely to abuse the provisions for payment of railways fare, they may purchase the return ticket for the workman and this is exactly what was recommended by the Majumdar Tribunal following the directions given by Central Government Industrial Tribunal, Dhanbad, on a similar demand and appearing at page 129 of the recommendations of the Wage Board, which I set out below:

"When a workman proceeds on leave or has qualified for free railway fare, the management shall either buy his ticket or give him an equivalent amount to purchase his ticket to his home."

I am not inclined to allow the management to insist upon money receipts in every case as a general rule. That may cast reflection on the integrity of workmen. Then again, money receipts may not be easily available everywhere or may take much too long a time to get the same. The management may curb dishonesty by taking precaution but they should not curb the right itself by imposition of unreasonable conditions.

5. In the view that I take, I hold that the management of Messrs Equitable Coal Company Ltd., was not justified in demanding, from 15th August, 1967, proof of travelling in the higher Railway classes in the form of money receipt etc. from their workmen employed at their various collieries, who were entitled to higher class of train fare and thereby denying payment of Rail fare of higher classes to such of their workmen who failed to render such proof. There was no evidence adduced before me as to how much each workman was denied by way of railway fare. Therefore, the award that I make is that in future no proof shall be insisted upon for passing bills of railway fare but the management would be at liberty to buy railway tickets for a workman, whenever they feel inclined to do so.

This is my award.

Sd./- B. N. BANERJEE,
Presiding Officer.

Dated, January 12, 1970.

[No. 6/42/69-LR II.]

ORDERS

New Delhi, the 20th January 1970

S.O. 354.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Bonjamihary Colliery of Messrs Bonjamihary Anthracite Coal Company. Post Office Salanpur, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Whether the management of Bonjamihary Colliery of Messrs Bonjamihary Anthracite Coal Company, Post Office Salanpur, District Burdwan is justified in not introducing wage structure and other benefits in accordance with the recommendations of the Central Wage Board for the Coal Mining Industry as accepted by the Government of India, in their Resolution No. WB-16(5)/66, dated the 21st July, 1967? If not, what should be the wage structure and other benefits in respect of the workmen concerned and from which date?"

[No. 1/19/69-LRII.]

S.O. 355.—Whereas by an order of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. 1/19/69-LRII, dated the 10th January, 1970, an industrial dispute between the management of Bonjamihary Colliery of Messrs Bonjamihary Anthracite Coal Company, Post Office Salanpur, District Burdwan and their workmen has been referred to the Central Government Industrial Tribunal, Calcutta, for adjudication;

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby prohibits the continuance of the strike in existence in the said colliery in connection with the said dispute.

[No. 1/19/69-LRII.]

S.O. 356.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Tata Iron and Steel Company, Jamadoba, Post Office Jealgora, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3) Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

- I. Whether the demand of the Colliery Mazdoor Sangh, Dhanbad, for 23 per cent increase in the existing rate of commission of the Miners' Sirdars detailed below employed in the Collieries of Messrs Tata Iron and Steel Company Limited, in terms of the recommendations of the Coal Wage Board, is justified? If so, to what relief are they entitled?
- II. Whether the demand of the Miners' Sirdars referred to above for profit sharing bonus, sick leave, gratuity on retirement as per Tata Iron and Steel Company Rules, train fare and quarters is justified? If so, to what relief are they entitled?

Sl. No.	Name of the Colliery	Name of the Miners' Sirdars
1	2	3
1	Digwadih Colliery	Shri Jai Ram Mahato.
2	Do.	Shri Sona Ram Mahato.
3	Do.	Shri Ram Kishan.
4	Do.	Shri Jalil Khan.
5	Do.	Shri Sitaram Sharma.
6	Do.	Shri M. Tiwari.
7	Do.	Shri Thato Manjhi.
8	Do.	Shri Maniuddin.
9	Do.	Shri Daso Mahato.

I	2	3
10	Sijua Colliery	Shri Imaman Mia.
11	Do.	Shri Bashir Khan.
12	Do.	Shri Nadiya Ray.
13	Do.	Shri Bhojoy Kalwar.
14	Do.	Shri Moti Thakur.
15	Do.	Shri Basarat Mia.
16	Do.	Shri Bhulu Mia.
17	Do.	Shri Rameshwar Rajwar.
18	Jamadoba Colliery	Shri Jan Mohammad.
19	Do.	Shri Ramcharan.
20	Do.	Shri Laljit Singh.
21	Do.	Shri Anant Singh.
22	Do.	Shri Sipati.
23	Do.	Shri Rambhajan.
24	Bhelatand Colliery	Shri Rasul Mia.
25	Do.	Shri Gaftar Gope.
26	6 & 7 Pits Colliery.	Shri Dhirajlal Patel.
27	Do.	Shri Bibbuti Das.
28	Do.	Shri Jabbar.
29	Do.	Shri Lokhi Turi.
30	Do.	Shri Sibcharan.
31	Do.	Shri Mihir Gorai.
32	Malkera Colliery.	Shri Md. Shafi.
33	Do.	Shri Sita Ram Hazam.
34	Do.	Shri Boren Hazam.
35	Do.	Shri Nihut Kormi.
36	Do.	Shri Hakimuddin.
37	Do.	Shri Bhagat Singh.
38	Do.	Shri Meral Mia.
39	Do.	Shri Rozan Mia.
40	Do.	Shri Chaitu Turi.
41	Do.	Shri Turi Kumhar.
42	Do.	Shri Bhudhan Roy.
43	Do.	Shri Abdul Latif.

[No. 2/34/69-LR-II.]

New Delhi, the 22nd January 1970

S.O. 357.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Dalmia Cement (Bharat) Limited, Hospet and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri B. M. Jayamahadeva Prasad as Presiding Officer with headquarters at Bangalore and refers the said dispute for adjudication to the Industrial Tribunal,

SCHEDULE

“Whether the management of Messrs Dalmia Cement (Bharat) Limited, Hospet are responsible to implement the recommendations of the Central Wage Board for Iron Ore Mining Industry to the piece rated workmen, said to be employed through Contractors in their B.R.H. Iron Ore Mine, Papinayakanahalli, Hospet? If not, to what relief are the workmen entitled?”

[No. 37/37/69-LR-IV.]

P. C. MISRA, Under Secy.

(Department of Labour and Employment)*New Delhi, the 21st January 1970*

S.O. 358.—In exercise of the powers conferred by sub-section (3) of section 5A of the Dock Workers (Regulation of Employment), Act, 1948 (9 of 1948), the Central Government hereby appoints Shri P. C. Tilak as a member of the Madras Dock Labour Board *vice* Shri T. Wise, resigned, and makes the following further amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. 3475 dated the 23rd September, 1968, namely :—

In the said notification, under the heading "Members representing the employers of dock workers and Shipping Companies" in item (3) for the words and letter "Shri T. Wise", the letters and word "P. C. Tilak" shall be substituted.

[No. 54(5)/69-Fac. II.]

C. RAMDAS, Dy. Secy.

(Department of Labour and Employment)*New Delhi, the 21st January 1970*

S.O. 359.—Whereas the Central Government, having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947) declared by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3115, dated the 26th July, 1969, any service in, or in connection with, the working of, any major port or dock, to be a public utility service for the purposes of the said Act, for a period of six months from the 5th August, 1969;

And whereas the Central Government is of opinion that public interest requires extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said service to be a public utility service for the purposes of the said Act for a further period of six months from the 5th February, 1970.

[No. F. 1(91)/69-L.R.I.]

ORDERS*New Delhi, the 20th January 1970*

S.O. 360.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Gopal Narain Sharma as Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

Whether the demand of the Association of the Punjab National Bank Employees, Rajasthan that the services of Shri R. K. Agarwal, Clerk-cum-typist in the Bharatpur branch of the Punjab National Bank should be treated as continuous from the 21st September 1959 instead of the 23rd November 1959 was justified? If so, to what relief is the workman entitled?

[No. 23/47/69/LR.III.]

S.O. 361.—Whereas the industrial dispute specified in the Schedule hereto annexed is pending before the Industrial Tribunal, Lucknow;

And whereas for the ends of justice and convenience of the parties the said dispute should be disposed of without delay;

Now, therefore, in exercise of the powers conferred by section 7A and sub-section (1) of section 33(B) of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri K. P. Gupta as the Presiding Officer, with Headquarters at Allahabad and withdraws the proceedings in relation to the said dispute from the Industrial Tribunal, Lucknow and transfer the same to the same Industrial Tribunal, Allahabad for the disposal of the said proceedings with the direction that the said Tribunal shall proceed with the proceedings from the stage at which they are transferred to it and dispose of the same according to law.

SCHEDULE

Name of the parties	S. O. No. & date of reference
Management of the New India Assurance Company Limited, Kanpur and their workmen.	S. O. No. 3030, dated the 9th August, 1968.

[No. 70(13)167-LR.III(LR.I.)]

S. S. SAHASRANAMAN, Under Secy.

(Department of Labour and Employment)

New Delhi, the 22nd January 1970

S.O. 362.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the seasonal nature of the industry carried on in the factories which are exclusively engaged in wool-pressing either with or without cotton pressing and ginning, hereby exempts the said factories from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 1st January, 1970 upto and inclusive of the 31st December, 1970.

[No. F. 7(1)/68-HI.]

S.O. 363.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 999 dated the 7th March, 1969 the Central Government having regard to the location of the factory, namely, the State Transport Maintenance Centre, Dhubri, belonging to the State Government of Assam in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said factory from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 1st January, 1970 up to and inclusive of the 31st December, 1970.

[No. F. 6(17)/69-HI.]

S.O. 364.—Whereas the Central Government is satisfied that the employees of the Geodetic and Research Branch Workshop, Survey of India, Dehra Dun, belonging to the Government of India, are otherwise in respect of benefits substantially similar to the benefits provided under the Employees' State Insurance Act, 1948 (34 of 1948);

Now, therefore, in exercise of the powers conferred by section 90 of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1221 dated the 19th March, 1969, the Central Government, after consultation with the Employees' State Insurance Corporation, hereby exempts the said Geodetic and Research

Branch Workshop from the operation of the said Act for a further period of one year up to and inclusive of the 31st December, 1970.

[No. F. 6(14)/69-HI.]

S.O. 365.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2498 dated the 17th June, 1969 the Central Government having regard to the location of the Workshop, namely :—

Public Works Department Workshop, Bhopal, in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said workshop from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 10th January, 1970 up to and inclusive of the 9th January, 1971.

[No. F. 6(24)/69-HI.]

S.O. 366.—Whereas the Central Government is satisfied that the employees of the Government Telegraph Stores, Bombay, belonging to the Government of India, in the Department of Communications, Posts and Telegraphs Board are otherwise in receipt of benefits substantially similar to the benefits provided under the Employees' State Insurance Act, 1948 (34 of 1948).

Now, therefore, in exercise of the powers conferred by section 90 of the said Act and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1136, dated the 17th March, 1969 the Central Government after consultation with the Employees' State Insurance Corporation, hereby exempts the above mentioned factory from all the provisions of the said Act for a further period of one year with effect from the 15th January, 1970.

[No. F. 6(1)/69-HI.]

S.O. 367.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2499 dated the 17th June, 1969 the Central Government having regard to the location of the workshops, namely :—

Government Automobile Workshops at Madurai and Salem, in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said Workshops from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 6th January, 1970 up to and inclusive of the 5th January, 1971.

[No. F. 6(25)/69-HI.]

S.O. 368.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2656 dated the 25th June, 1969 the Central Government having regard to the location of the press, namely, Government Branch Press, Gulbarga, in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said press from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 26th December, 1969 up to and inclusive of the 25th December, 1970.

[No. F. 6(103)/68-HI.]

S.O. 369.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 4124 dated the 26th September, 1969 the Central Government having regard to the location of the press, namely, Agricultural University Press, Ludhiana, in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said press from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 20th January, 1970 up to and inclusive of the 19th January, 1971.

[No. F. 6(70)/69-HI.]

S.O. 370.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2518 dated the 21st June, 1969, the Central Government having regard to the location of the workshop, namely, the Sanitary Store Workshop of the New Delhi Municipal Committee, in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said workshop from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 7th January, 1970 upto and inclusive of the 6th January, 1971.

[No. F. 6(23)/69-HI.]

S.O. 371.—Whereas the Central Government is satisfied that the employees of the Posts and Telegraphs Motor Service Workshop, Bombay, belonging to the Government of India in the Department of Communications, Posts and Telegraphs Board, are otherwise in receipt of benefits substantially similar to the benefits provided under the Employees' State Insurance Act, 1948 (34 of 1948);

Now, therefore, in exercise of the powers conferred by section 90 of the said Act, and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment) No. S.O. 1134 dated the 17th March, 1969, the Central Government, after consultation with the Employees' State Insurance Corporation, hereby exempts the above mentioned factory from all the provisions of the said Act for a further period of one year with effect from the 15th January, 1970.

[No. 6(1)/69-HI.]

S.O. 372.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 998 dated the 7th March, 1969, the Central Government having regard to the location of the dairy, namely :—

Central Dairy, Nagpur Milk Scheme, Nagpur,

In an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said dairy from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 2nd January, 1970 upto and inclusive of the 1st January, 1971

[No. F. 6(9)/69-HI.]

S.O. 373.—Whereas the State Government of Bihar has in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Shri K. K. Srivastava, Secretary to the Government of Bihar, Department of Labour and Employment, to represent that State on the Employees' State Insurance Corporation in place of Shri M. Alam;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2551 dated the 9th August, 1966, namely :

In the said notification, under the heading "(Nominated by the State Governments under clause (d) of section 4)", for the entry against item 10, the following entry shall be substituted, namely :—

"Shri K. K. Srivastava, Secretary to the Government of Bihar, Department of Labour and Employment, Patna."

[No. F. 3(2)/69-HI.]

DALJIT SINGH, Under Secy.

(Department of Rehabilitation)

(Office of the Regional Regional Settlement Commissioner)

New Delhi, the 17th January 1970

S.O. 374.—In exercise of the powers vested in me under Section 55(4) of the Administration of Evacuee Property Act, 1950 (Act XXXI of 1950 I, Gulab L. Ajwani Regional Settlement Commissioner cum Custodian of Evacuee Property,

New Delhi, hereby delegate to Shri A. L. Bahl, Settlement Officer in my office the powers of the Deputy Custodian as well as Authorised Deputy Custodian for the purpose of discharging the duties imposed on the Custodian by or under the said Act with effect from the Forenoon of the 5th January, 1970.

[No. F. 28(179)/Admn/RSCD.]

GULAB L. AJWANI,

Regional Settlement Commissioner cum Custodian
of Evacuee Property, New Delhi.

पेट्रोलियम तथा रसायन और खान तथा धातु मंत्रालय

(पेट्रोलियम तथा रसायन विभाग)

नई दिल्ली, 30 अक्टूबर, 1969

का० आ० सं० 4530--यतः पेट्रोलियम, पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और रसायन और खान तथा धातु मंत्रालय की क्रमशः अधिसूचना का० आ० सं० 2256 तथा शुद्धि पत्र संख्या 3080 तारीख 5-6-69 तथा 17-7-1969 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिये अर्जित करने का अपना आशय घोषित कर दिया है।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है और उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी विलगनों से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

के-62 से के-49 (मेन कलैक्टर लाइन) तक पाइप लाइन बिछाने हेतु

राज्य : गुजरात

जिला :

मेहसाना

तालुका : कलोल

गांव	सर्वेक्षण संख्या	हेक्टर	आर	पी आर
घादास्वामी	299	0	3	72
	298	0	11	48
	300	0	10	18
	306	0	1	50
	303	0	7	10
	302	0	5	81

गांव	सर्वेक्षणसं०	हेक्टर	अरर	पी अरर
पन्सार	1613	0	14	80
	1612	0	8	34
	1620/10	0	7	34
	1620/3	0	5	33
	1620/9	0	0	50
	1620/2	0	1	00
	1620/28 पी के			
	रोड	0	1	96
	1619/1	0	22	52
	1619/2	0	5	20
	1618	0	2	64

[सं० 29(5)/68-आई०ओ०सी०/लेबर एण्ड लैजिस]

नई दिल्ली, 11 नवम्बर, 1969

का० आ० सं० 4721.—प्रतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में कलोल तेल क्षेत्र में व्यधन स्थल कुआं संख्या एन के जी (काडी-7) से काडी-1 कुआं मुख केन्द्र तक पैट्रोलियम के परिवहन के लिए पाइप लाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए और ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है :

अतः, अब, पैट्रोलियम पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है ।

3. उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप-सक्षम प्राधिकारी, गुजरात पाइप लाइन (तेल तथा प्राकृतिक गैस आयोग) के कार्यालय, बरौदा के पश्चिमी क्षेत्र शेड नं० 27, मकरपुरा रोड, सेंट्रल वर्कशॉप के पास बरौदा-4 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा । ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत ।

अनुसूची

डी एस संख्या एन के जी (काडी-7) से काडी-1 कूप मुख केन्द्र तक पाइप लाइन बिछाने हेतु
राज्य : गुजरात जिला : मेहसाना तालुका : काडी

गांव	सर्वेक्षण सं०	हेक्टर	अरर	पी अरर
चाव्लासन	49	0	40	47
	50/1	0	03	50
	50/2			
	51	0	13	15

गांव	सर्वेक्षण सं०	हेक्टर	आर	पी आर
चालासन	52	0	08	50
	52/1	0	13	15
	55	0	00	75
	53	0	10	12
कटि ट्रैक		0	00	50
	22	0	12	14

[संख्या 20/3/67-आई० ओ० सी०/लेबर एण्ड लेजिस]

का० आ० सं० 4722:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में कलोल तेल क्षेत्र में व्यघन स्थल कुआं संख्या सानन्द-15 से फलेर पाइनट तक पेट्रोलियम के परिवहन के लिए पाइप लाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए और ऐसी लाइनों को बिछाने के प्रयोजन के लिए एनडुपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है :

अतः, अब, पेट्रोलियम पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है ।

3. उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, गुजरात पाइप लाइन (तेल तथा प्राकृतिक गैस आयोग) के कार्यालय, बरोदा के पश्चिमी क्षेत्र, शेड नं० 27, मकरपुरा रोड, सेंट्रल वर्कशाप के पास बरोदा-4 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा । ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिशः हो या किसी विधि व्यवसायी की मार्फत ।

अनुसूची

सानन्द 15 से फलेर पाइनट तक पाइप लाइन बिछाने के लिए अर्जित की जाने वाली भूमि की सूची

राज्य : गुजरात		जिला : मेहसाना		तालुका : कलोल	
गांव	सर्वेक्षण सं०	हेक्टर	आर	पी आर	
नासमेद	88/1	0	5	46	

[संख्या 20/3/67-आई० ओ० सी०/लेबर एण्ड लेजिस (ए)]

नई दिल्ली 12 नवम्बर, 1969

का० आ० सं० 4723:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में कलोल तेल क्षेत्र में व्यघन स्थल कुआं संख्या डी एस एस के बी

(काडी-5) से काडी-4 पर जी जी एस तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए और ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ;

अतः अब पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा (1) प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है ।

3. उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी गुजरात पाइपलाइन (तेल तथा प्राकृतिक गैस आयोग) के कार्यालय बरोदा के पश्चिमी क्षेत्र शेड नं० 27 भकरपुरा रोड सेन्ट्रल वकशाय के पास बरोदा-4 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा । ऐसा आक्षेप करने वाला हर व्यक्ति विनिविष्ट : यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत ।

अनुसूची

आर०ओ०यू० के लिए डी०एस०एस० के एस (काडी-5) से जी०जी०एस० (काडी-4 पर) तक पाइपलाइन बिछाने हेतु

राज्य: गुजरात

जिला: मेहसाना

तालुका: काडी

गांव	सर्वेक्षण संख्या	हेक्टरज	आर	पी. आर.
अदूनिरो	1008 . .	0	07	08
	104411 . .	0	13	15
	1009 . .	0	06	07
	1013 . .	0	11	93
	1012 . .	0	04	05
	1020 . .	0	03	04
	1021 . .	0	05	06
	1022 . .	0	02	02
सङ्गमीपुर	261 . .	0	10	12
	258 . .	0	10	12
	257 . .	0	17	20
	255 . .	0	04	05
	256 . .	0	07	08
	239 . .	0	07	06
	247 . .	0	03	04

गांव	सर्वेक्षण संख्या	हेक्टर	अरार	पी अरार
लक्ष्मीपुर—	246 . .	0	04	05
क्रमशः	245 . .	0	04	05
	244 . .	0	11	13
	201 . .	0	04	05
	200 . .	0	09	11
	197 . .	0	02	05
	19611			
	19612 . .	0	09	05
	198 . .	0	03	04
	19911 . .	0	02	02
काडी	195711 . .	0	01	01
	1976 . .	0	20	23
	1973 . .	0	21	25
	1972 . .	0	07	08
	1969 . .	0	07	08
	201111 . .	0	04	05
	2005 . .	0	06	07
	2004 . .	0	03	04
	2003 . .	0	06	07
	2017 . .	0	06	07
	2022 . .	0	11	13
	2021 . .	0	03	04
	2023 . .	0	03	04

[सं० 20/3/67 आई० ओ० सी०/लेबर एण्ड लेजिस]

नई दिल्ली, 28 नवम्बर, 1969

का० आ० 4885:—यतः पेट्रोलियम पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और रसायन और खान तथा धातु मंत्रालय की अधिसूचना का० आ० स० 3507 तारीख 16-8-69 द्वारा केन्द्रीय सरकार ने उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिये अर्जित करने का अपना आशय घोषित कर दिया है।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रवृत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है और उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी विलंगमों में मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख ने निहित होगा।

अनुसूची

122 के से जो० जी० एस० 6 तक पाइपलाइन बिछाने हेतु

राज्य	गुजरात	जिला	मेहसाना	तालुका	काडी
गांव	सर्वेक्षण संख्या	हेक्टर	आर	1 आर	
जुलासन	719	0	1	00	
	710	0	10	00	
	711	0	10	92	
	714	0	1	00	
	713	9	14	69	
	562	0	2	40	
	55911	0	3	90	
	55912	0	4	94	
	55913	0	5	07	
	55914	0	3	38	
	560	0	0	60	
	रोड बी पी ट्रैक	0	0	91	
	55611	0	1	95	
जवासन	391	0	17	29	
	392	0	5	33	
	रोड बी पी ट्रैक	0	0	65	
	385	0	0	70	
	384	0	10	66	
	383	0	14	17	
	382	0	1	82	
	398	0	12	87	
	399	0	0	50	
	350	0	13	65	
	349	0	0	50	
	351	0	9	88	

गांव	सर्वेक्षण संख्या	हेक्टर	घार	पी. आर.
चदासन कमणः	348	0	2	73
	347	0	8	06
रोड		0	0	91
403		0	5	20
404		0	9	62
40511		0	2	21
40512		0	2	92
406		0	5	07
408		0	10	66
407		0	3	32
410		0	15	21
खानज		0	1	37

[सं० 20/3/67-आई०ओ० सी०/लेबर एण्ड लेजिस]

का० आ० 4886.—यतः पेट्रोलियम पाइप लाइन (भूमि के उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और रसायन और खान तथा धातु मंत्रालय की अधिसूचना का० आ० सं० 3505 तारीख 14-8-69 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना प्राप्ति घोषित कर दिया है।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है और उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तैल और प्राकृतिक गैस आयोग में, सभी विभागों से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

शुद्धासंख्या 49 के पास पाइनट (फीडर लाइनज) से जी.पी.एस. 111 तक पाइप लाइन बिछाने हेतु

राज्य	गुजरात	जिला	मेहसाणा	तालुका	काठी
गांव	सर्वेक्षण संख्या	हेक्टर	आर	पी आर	
अम्बवपुर	100 .	0	22	98	
	109/1ए .	0	4	65	
	109/1 बी .	0	0	50	
	109/2 .	0	6	17	
	109/1 ए .	0	2	50	
	बी पी कार्ट ट्रैक .	0	1	11	
	बी पी कार्ट ट्रैक .	0	0	60	
	110 .	0	4	77	
	119/10 .	0	4	85	

[सं० 20/3/67-आई० ओ० सी०/लेबर एण्ड लेजिस]

का० आ० 4887.—यतः पेट्रोलियम, पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और रसायन और खान तथा धातु मंत्रालय की अधिसूचना का० आ० सं० 3367 तारीख 2-8-1969 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमिओं के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया है।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है और उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में सभी विलंगों से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

कुंआ संख्या अहमदाबाद से कूप मुख केन्द्र तक पाइप लाइन बिछाने हेतु

राज्य	गुजरात	जिला	अहमदाबाद	तालुका	शहर
गांव	सर्वेक्षण संख्या	हेक्टर	आर	पी आर	
प्रोधम	552/ 1, 2 तथा 3	0	2	40	

[सं० 29/5/68-आई० ओ० सी०/लेबर एण्ड लेजिस]

नई दिल्ली, 6 दिसम्बर, 1969

का० आ० 4947.—यतः पेट्रोलियम, पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और रसायन मंत्रालय की अधिसूचना का० आ० सं० 4010 तारीख 28-10-68 द्वारा केन्द्रीय सरकार के उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया है।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है और उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने की बजाय तेल और प्राकृतिक गैस आयोग में सभी विलंगनों से मुक्त रूप में इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

राज्य : गुजरात जिला : मेहसाना तालुका : कलोल

(जी जी एस 5 से गैस फ्लेयर पाइप लाइन तक पाइप लाइन बिछाने हेतु)

गांव	सर्वेक्षण संख्या	हेक्टर	आर	पी आर
इसन्द	682	0	9	31
	683	0	1	81

[सं० 20 (3)/67-आई० ओ० सी०/ लेबर एण्ड लेजिस]

शुद्धि पत्र

नई दिल्ली, 31 अक्टूबर, 1969

का० प्र० 4610:—भारत सरकार के पेट्रोलियम और रसायन और खान तथा धातु मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना संख्या 20/3/67-आई० प्रो० सी०/लेबर एण्ड लेजिस (7) दिनांक 12-5-1969 जिस का कानूनी आदेश संख्या 1932 के अर्न्तगत भारत के राजपत्र भाग II खण्ड 3 के उप-खण्ड (ii) दिनांक 24-5-69 को प्रकाशन हुआ था के पृष्ठ संख्या 2012 और गांव संस्था साजुका गांधीनगर के स्थान पर 'पड़िये'

सर्वेक्षण संख्या	हैक्टर	घार	पी घार
1395/4 पी	0	5	61
1405/2 ए . . .	0	8	59
1395/3 . . .	0	15	0
1262/पी . . .	0	10	0
1395/1 . . .	0	15	75
1260 . . .	0	14	61
1374 . . .	0	4	85
1270 . . .	0	8	28
1269 . . .	0	14	20

'के लिए'

1395/4 पी . . .	0	11	0
1405/2 ए . . .	0	15	28
1395/3 . . .	0	6	29
1262/पी . . .	0	4	27
1395/1 . . .	0	13	75
1260 . . .	0	9	61
1374 . . .	0	1	21
1270 . . .	0	17	90
1269 . . .	0	6	97

[संख्या 20/3/67-आई० प्रो० सी०/लेबर तथा लेजिस]

नई दिल्ली, 25 नवम्बर, 1969

का० प्र० 4888 :—भारत सरकार के पेट्रोलियम तथा रसायन और खान तथा धातु मंत्रालय की अधिसूचना संख्या 20/3/67-आई० प्रो० सी०/लेबर एण्ड लेजिस दिनांक 26-8-69 के जिस का कानूनी आदेश संख्या के 3685 अर्न्तगत भारत के राजपत्र भाग II, खण्ड-3 के उप-खण्ड (ii)

दिनांक 13-9-1969 को प्रकाशन हुआ था पृष्ठ संख्या 3922 तथा 3923 और गांव जैयलाज, तालुका कशोल में

पढ़िए			के लिए		
(1) सर्वेक्षण संख्या 443			सर्वेक्षण संख्या 433		
तथा सर्वेक्षण संख्या 430					
(2) हेक्टर	आर	पी आर	हेक्टर	आर	पी आर
0	8	49	0	8	4

[सं० 20/3/67—आई० ओ० सी०/लेबर एण्ड लेजिस]

का० प्रा० 4889.—भारत सरकार के पेट्रोलियम तथा रसायन और खान तथा धातु मंत्रालय की अधिसूचना संख्या 20/3/67—आई० ओ० सी० लेबर(ख) दिनांक 7-6-69 के, जिस का कानूनी आदेश संख्या 2375 के अन्तर्गत भारत के राजपत्र भाग II खण्ड 3 के उपखण्ड (ii) दिनांक 21-6-69 को प्रकाशन हुआ था पृष्ठ संख्या 2488 और गांव जसपुर तालुका कशोल के सर्वेक्षण संख्या 590

“पढ़िए”			“के लिए”		
हेक्टर	आर	पी आर	हेक्टर	आर	पी आर
0	6	73	0	0	76
2. पृष्ठ संख्या 2489 और गांव जसपुर, तालुका कशोल के सर्वेक्षण संख्या 419					
0	14	71	0	13	79

[सं० 20/3/67—आई० ओ० सी०/लेबर एण्ड लेजिस]

का० प्रा० 4890.—भारत सरकार के पेट्रोलियम तथा रसायन और खान तथा धातु मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना संख्या 20-3-67—आई० ओ० सी० लेबर दिनांक 6-6-69 के, जिसका कानूनी आदेश संख्या 2371 के अन्तर्गत भारत के राजपत्र भाग II, खण्ड 3 के उपखण्ड (ii) दिनांक 21-6-69 को प्रकाशन हुआ था, पृष्ठ संख्या 2484 और गांव भोंघज, तालुका वसकरोंई में सर्वेक्षण संख्या 258/2 का विलोप किया जाए।

(सं० 20/3/67—आई० ओ० सी०/लेबर एण्ड लेजिस]

नई दिल्ली, 28 नवम्बर, 1969

का० घा० 4891:—भारत सरकार के पेट्रोलियम तथा रसायन और खान तथा धातु मंत्रालय की अधिसूचना संख्या 20/3/67—घाई प्रो सी लेबर एण्ड लेजिस (ए) दिनांक 16-8-69 के, जिसका कानूनी आदेश संख्या 3508 के अन्तर्गत भारत के राजपत्र भाग II, खण्ड 3 के उप-खण्ड (ii) दिनांक 6-9-69 को प्रकाशन हुआ था, पृष्ठ संख्या 3719 और गांग जुलासन

“पड़िए”

“के लिए”

गांव पंचायत कार्ड टैंक

गांव पंचायत कार्ड टैंक

1. हैक्टर	घार	पी घार	हैक्टर	घार	पी घार
0	5	56	5	5	56

2. सर्वेक्षण संख्या 530/2/ई

सर्वेक्षण संख्या 530/2/1जेड

[सं० 20/3/67—घाई० प्रो० सी०/लेबर एण्ड लेजिस]

म० ब० शिव प्रदाय राय, भवर सचिव/

MINISTRY OF FINANCE

(Department of Revenue and Insurance)

Customs

New Delhi, the 31st January 1970

S.O. 375.—In exercise of the powers conferred by section 162 of the Customs Act, 1962 (52 of 1962), the Central Government hereby directs that,—

(i) the powers exercisable by a Collector of Customs under the proviso to sub-section (3) of section 46 of the said Act shall also be exercisable by the Deputy Collector of Customs and Central Excise, Goa; and

(ii) the powers exercisable by a Collector of Customs under clause (i) of the first proviso to section 61 of the said Act shall also be exercisable by the Deputy Collector of Customs and Central Excise, Goa, and the Assistant Collector of Customs, Goa.

[No. 3-Customs/F. No. 22/9/69-Cus.IV.]

J. DATTA, Dy. Secy.

वित्त मंत्रालय

(राजस्व और बीमा विभाग)

सीमा-शुल्क

नई दिल्ली, 31 जनवरी, 1970

एस० प्रो० 875.—सीमा शुल्क अधिनियम, 1962 (1962 का 52) की धारा 152 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा निदेश देती है कि :—

(i) उक्त अधिनियम की धारा 46 की उपधारा (3) के परन्तुक के अधीन सीमा-शुल्क कलक्टर द्वारा प्रयोक्तव्य शक्तियों सीमा शुल्क और केन्द्रीय उत्पाद शुल्क उप-कलक्टर, गोवा द्वारा भी प्रयोक्तव्य होंगी ; और

- (ii) उक्त अधिनियम की धारा 61 के प्रथम परन्तुक के खण्ड (i) के अधीन सीमा-शुल्क कलक्टर द्वारा प्रयोक्तव्य शक्तियां सीमा-शुल्क और केन्द्रीय उत्पाद-शुल्क उप-कलक्टर, गोवा, और सीमा-शुल्क सहायक कलक्टर, गोवा द्वारा भी प्रयोक्तव्य होंगी ।

[सं० 3-सीमा शुल्क/फा० सं० 22/9/69-सीमा-शुल्क 4]

ज्योतिर्मय दास, उपसचिव ।

(Department of Revenue and Insurance)

STAMPS

New Delhi, the 31st January 1970

S.O. 376.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the *ad hoc* bonds of the value of sixty-seven lakhs of rupees to be issued by the Haryana Financial Corporation are chargeable under the said Act.

[No. 2/69-Stamps/P. No. 1/43/69-Cus. VII.]

P. K. KAPOOR, Under Secy.

(राजस्व और बीमा विभाग)

स्टाम्प

नई दिल्ली, 31 जनवरी, 1970

एस० नो० 376 :—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उस शुल्क से छूट देती है जिससे हरियाणा वित्तीय निगम द्वारा जारी किए जाने वाले सड़सठ लाख रुपये के मूल्य के सदृश बन्धपत्र उक्त अधिनियम के अधीन प्रभावी हैं ।

[सं० 2/69-स्टाम्प/फा० सं० 1/43/69-सीमाशुल्क-7]

(पी० के० कपूर, अवसर सचिव ।